
HOUSE BILL 1387

State of Washington

58th Legislature

2003 Regular Session

By Representatives Ericksen, Jarrett, Woods, Schindler, Anderson, Bush, McDonald, Shabro, Ahern, Bailey, Talcott, Clements, Chandler, Sehlin, Buck, Mielke, Boldt, Benson, Alexander, Newhouse, Nixon, Pflug, Holmquist and McMahan

Read first time 01/24/2003. Referred to Committee on Transportation.

1 AN ACT Relating to transportation governance and accountability;
2 amending RCW 47.01.021, 47.01.041, 43.17.020, 43.160.074, 36.57A.070,
3 36.79.010, 36.79.120, 36.79.130, 36.120.020, 47.64.011, 47.64.170,
4 47.80.060, 46.44.042, 46.44.080, 46.44.096, 46.44.090, 46.44.092,
5 46.61.450, 47.01.012, 35.58.2795, 47.56.070, 47.01.071, 47.01.250,
6 47.01.280, 47.05.021, 47.05.030, 47.05.035, 47.05.051, 47.06.030,
7 47.06.050, 47.12.242, 47.12.330, 47.24.010, 47.26.170, 47.26.440,
8 47.28.010, 47.28.170, 47.38.060, 47.56.120, 47.56.250, 47.52.133,
9 47.52.145, 47.52.210, 47.56.080, 47.02.120, 47.02.140, 47.10.843,
10 47.10.844, 47.12.200, 47.12.220, 47.17.132, 47.46.090, 47.46.120,
11 47.56.032, 47.56.030, 47.56.076, 47.56.110, 47.60.013, 47.60.150,
12 47.60.326, 47.60.330, 47.60.445, 47.60.800, and 36.120.050; reenacting
13 and amending RCW 43.160.010; adding a new section to chapter 47.01 RCW;
14 creating a new section; repealing RCW 47.01.051 and 47.01.061; and
15 providing an effective date.

16 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

17 **ABOLISHING THE TRANSPORTATION COMMISSION AND GUBERNATORIAL APPOINTMENT**
18 **OF THE SECRETARY OF THE DEPARTMENT OF TRANSPORTATION**

1 **Sec. 1.** RCW 47.01.021 and 1977 ex.s. c 151 s 2 are each amended to
2 read as follows:

3 As used in this title unless the context indicates otherwise:

4 (1) "Department" means the department of transportation created in
5 RCW 47.01.031;

6 (2) "Commission" means the ~~((transportation commission created in
7 RCW 47.01.051))~~ secretary of transportation;

8 (3) "Committee" means the legislative transportation committee
9 created in chapter 44.40 RCW;

10 (4) "Secretary" means the secretary of transportation as provided
11 for in RCW 47.01.041.

12 **Sec. 2.** RCW 47.01.041 and 1983 1st ex.s. c 53 s 28 are each
13 amended to read as follows:

14 The executive head of the department of transportation shall be the
15 secretary of transportation, who shall be appointed by the
16 ~~((transportation commission))~~ governor and confirmed by the senate, and
17 shall be paid a salary to be fixed by the governor in accordance with
18 the provisions of RCW 43.03.040. ~~((The secretary shall be an ex
19 officio member of the commission without a vote. The secretary shall
20 be the chief executive officer of the commission and be responsible to
21 it, and shall be guided by policies established by it.))~~ The secretary
22 shall serve ~~((until removed by the commission, but only for incapacity,
23 incompetence, neglect of duty, malfeasance in office, or failure to
24 carry out the commission's policies. Before a motion for dismissal
25 shall be acted on by the commission, the secretary shall be granted a
26 hearing on formal written charges before the full commission. An
27 action by the commission to remove the secretary shall be final))~~ at
28 the pleasure of the governor.

29 **Sec. 3.** RCW 43.17.020 and 1995 1st sp.s. c 2 s 2 are each amended
30 to read as follows:

31 There shall be a chief executive officer of each department to be
32 known as: (1) The secretary of social and health services, (2) the
33 director of ecology, (3) the director of labor and industries, (4) the
34 director of agriculture, (5) the director of fish and wildlife, (6) the
35 secretary of transportation, (7) the director of licensing, (8) the
36 director of general administration, (9) the director of community,

1 trade, and economic development, (10) the director of veterans affairs,
2 (11) the director of revenue, (12) the director of retirement systems,
3 (13) the secretary of corrections, (~~and~~) (14) the secretary of
4 health, and (15) the director of financial institutions.

5 Such officers, except the (~~secretary of transportation and the~~)
6 director of fish and wildlife, shall be appointed by the governor, with
7 the consent of the senate, and hold office at the pleasure of the
8 governor. (~~The secretary of transportation shall be appointed by the~~
9 ~~transportation commission as prescribed by RCW 47.01.041.~~) The
10 director of fish and wildlife shall be appointed by the fish and
11 wildlife commission as prescribed by RCW 77.04.055.

12 **TRANSFERRING POWERS OF THE TRANSPORTATION COMMISSION TO THE**
13 **LEGISLATIVE TRANSPORTATION COMMITTEE**

14 **Sec. 4.** RCW 43.160.010 and 1999 c 164 s 101 and 1999 c 94 s 5 are
15 each reenacted and amended to read as follows:

16 (1) The legislature finds that it is the public policy of the state
17 of Washington to direct financial resources toward the fostering of
18 economic development through the stimulation of investment and job
19 opportunities and the retention of sustainable existing employment for
20 the general welfare of the inhabitants of the state. Reducing
21 unemployment and reducing the time citizens remain jobless is important
22 for the economic welfare of the state. A valuable means of fostering
23 economic development is the construction of public facilities which
24 contribute to the stability and growth of the state's economic base.
25 Strengthening the economic base through issuance of industrial
26 development bonds, whether single or umbrella, further serves to reduce
27 unemployment. Consolidating issues of industrial development bonds
28 when feasible to reduce costs additionally advances the state's purpose
29 to improve economic vitality. Expenditures made for these purposes as
30 authorized in this chapter are declared to be in the public interest,
31 and constitute a proper use of public funds. A community economic
32 revitalization board is needed which shall aid the development of
33 economic opportunities. The general objectives of the board should
34 include:

35 (a) Strengthening the economies of areas of the state which have

1 experienced or are expected to experience chronically high unemployment
2 rates or below average growth in their economies;

3 (b) Encouraging the diversification of the economies of the state
4 and regions within the state in order to provide greater seasonal and
5 cyclical stability of income and employment;

6 (c) Encouraging wider access to financial resources for both large
7 and small industrial development projects;

8 (d) Encouraging new economic development or expansions to maximize
9 employment;

10 (e) Encouraging the retention of viable existing firms and
11 employment; and

12 (f) Providing incentives for expansion of employment opportunities
13 for groups of state residents that have been less successful relative
14 to other groups in efforts to gain permanent employment.

15 (2) The legislature also finds that the state's economic
16 development efforts can be enhanced by, in certain instances, providing
17 funds to improve state highways, county roads, or city streets for
18 industries considering locating or expanding in this state.

19 (a) The legislature finds it desirable to provide a process whereby
20 the need for diverse public works improvements necessitated by planned
21 economic development can be addressed in a timely fashion and with
22 coordination among all responsible governmental entities.

23 (b) Transportation improvements on state highways that have been
24 approved by the community economic revitalization board must be
25 approved by the legislative transportation (~~commission~~) committee in
26 accordance with the procedures established by RCW 43.160.074 and
27 47.01.280 to receive funding.

28 (3) The legislature also finds that the state's economic
29 development efforts can be enhanced by, in certain instances, providing
30 funds to assist development of telecommunications infrastructure that
31 supports business development, retention, and expansion in rural
32 natural resources impact areas and rural counties of the state.

33 (4) The legislature also finds that the state's economic
34 development efforts can be enhanced by providing funds to improve
35 markets for those recyclable materials representing a large fraction of
36 the waste stream. The legislature finds that public facilities which
37 result in private construction of processing or remanufacturing

1 facilities for recyclable materials are eligible for consideration from
2 the board.

3 (5) The legislature finds that sharing economic growth statewide is
4 important to the welfare of the state. Rural counties and rural
5 natural resources impact areas do not share in the economic vitality of
6 the Puget Sound region. The ability of these communities to pursue
7 business and job retention, expansion, and development opportunities
8 depends on their capacity to ready necessary economic development
9 project plans, sites, permits, and infrastructure for private
10 investments. Project-specific planning, predevelopment, and
11 infrastructure are critical ingredients for economic development.
12 Rural counties and rural natural resources impact areas generally lack
13 these necessary tools and resources to diversify and revitalize their
14 economies. It is, therefore, the intent of the legislature to increase
15 the amount of funding available through the community economic
16 revitalization board for rural counties and rural natural resources
17 impact areas, and to authorize flexibility for available resources in
18 these areas to help fund planning, predevelopment, and construction
19 costs of infrastructure and facilities and sites that foster economic
20 vitality and diversification.

21 **Sec. 5.** RCW 43.160.074 and 1985 c 433 s 5 are each amended to read
22 as follows:

23 (1) An application to the board from a political subdivision may
24 also include a request for improvements to an existing state highway or
25 highways. The application is subject to all of the applicable criteria
26 relative to qualifying types of development set forth in this chapter,
27 as well as procedures and criteria established by the board.

28 (2) Before board consideration of an application from a political
29 subdivision that includes a request for improvements to an existing
30 state highway or highways, the application shall be forwarded by the
31 board to the legislative transportation (~~commission~~) committee.

32 (3) The board may not make its final determination on any
33 application made under subsection (1) of this section before receiving
34 approval, as submitted or amended or disapproval from the legislative
35 transportation (~~commission~~) committee as specified in RCW 47.01.280.
36 Notwithstanding its disposition of the remainder of any such
37 application, the board may not approve a request for improvements to an

1 existing state highway or highways without the approval as submitted or
2 amended of the legislative transportation (~~(commission)~~) committee as
3 specified in RCW 47.01.280.

4 (4) The board shall notify the legislative transportation
5 (~~(commission)~~) committee of its decision regarding any application made
6 under this section.

7 **Sec. 6.** RCW 36.57A.070 and 1985 c 6 s 5 are each amended to read
8 as follows:

9 The comprehensive transit plan adopted by the authority shall be
10 reviewed by the (~~(state)~~) legislative transportation (~~(commission)~~)
11 committee to determine:

12 (1) The completeness of service to be offered and the economic
13 viability of the transit system proposed in such comprehensive transit
14 plan;

15 (2) Whether such plan integrates the proposed transportation system
16 with existing transportation modes and systems that serve the benefit
17 area;

18 (3) Whether such plan coordinates that area's system and service
19 with nearby public transportation systems;

20 (4) Whether such plan is eligible for matching state or federal
21 funds;

22 After reviewing the comprehensive transit plan, the (~~(state)~~)
23 legislative transportation (~~(commission shall have)~~) committee has
24 sixty days in which to approve such plan and to certify to the state
25 treasurer that such public transportation benefit area shall be
26 eligible to receive the motor vehicle excise tax proceeds authorized
27 pursuant to RCW 35.58.273, as now or hereafter amended in the manner
28 prescribed by chapter 82.44 RCW, as now or hereafter amended. To be
29 approved a plan shall provide for coordinated transportation planning,
30 the integration of such proposed transportation program with other
31 transportation systems operating in areas adjacent to, or in the
32 vicinity of the proposed public transportation benefit area, and be
33 consistent with the public transportation coordination criteria adopted
34 pursuant to the urban mass transportation act of 1964 as amended as of
35 July 1, 1975. In the event such comprehensive plan is disapproved and
36 ruled ineligible to receive motor vehicle tax proceeds, the (~~(state)~~)
37 legislative transportation (~~(commission)~~) committee shall provide

1 written notice to the authority within thirty days as to the reasons
2 for such plan's disapproval and such ineligibility. The authority may
3 resubmit such plan upon reconsideration and correction of such
4 deficiencies in the plan cited in such notice of disapproval.

5 **Sec. 7.** RCW 36.79.010 and 1997 c 81 s 1 are each amended to read
6 as follows:

7 The definitions set forth in this section apply throughout this
8 chapter unless the context clearly requires otherwise.

9 (1) "Rural arterial program" means improvement projects on those
10 county roads in rural areas classified as rural arterials and
11 collectors in accordance with the federal functional classification
12 system and the construction of replacement bridges funded by the
13 federal bridge replacement program on access roads in rural areas.

14 (2) "Rural area" means every area of the state outside of areas
15 designated as urban areas by the ((state)) legislative transportation
16 ((commission)) committee with the approval of the secretary of the
17 United States Department of Transportation in accordance with federal
18 law.

19 (3) "Board" means the county road administration board created by
20 RCW 36.78.030.

21 **Sec. 8.** RCW 36.79.120 and 1988 c 26 s 6 are each amended to read
22 as follows:

23 Counties receiving funds from the rural arterial trust account for
24 construction of arterials and the construction of replacement bridges
25 funded by the federal bridge replacement program on access roads in
26 rural areas shall provide such matching funds as established by rules
27 recommended by the board, subject to review, revision, and final
28 approval by the ((state)) legislative transportation ((commission))
29 committee. Matching requirements shall be established after
30 appropriate studies by the board, taking into account financial
31 resources available to counties to meet arterial needs.

32 **Sec. 9.** RCW 36.79.130 and 1983 1st ex.s. c 49 s 13 are each
33 amended to read as follows:

34 Not later than November 1st of each even-numbered year the board
35 shall prepare and present to the ((state)) legislative transportation

1 ((~~commission~~)) committee a recommended budget for expenditures from the
2 rural arterial trust account during the ensuing biennium. The budget
3 shall contain an estimate of the revenues to be credited to the rural
4 arterial trust account.

5 The ((~~state~~)) legislative transportation ((~~commission~~)) committee
6 shall review the budget as recommended, revise the budget as it deems
7 proper, and include the budget as revised as a separate section of the
8 transportation budget which it shall submit to the governor pursuant to
9 chapter 43.88 RCW.

10 **Sec. 10.** RCW 36.120.020 and 2002 c 56 s 102 are each amended to
11 read as follows:

12 The definitions in this section apply throughout this chapter
13 unless the context clearly requires otherwise.

14 (1) "Board" means the governing body of a regional transportation
15 investment district.

16 (2) "Department" means the Washington state department of
17 transportation.

18 (3) "Highway of statewide significance" means an existing or
19 proposed state route or federal interstate designated as a highway of
20 statewide significance by the legislative transportation ((~~commission~~))
21 committee, its successor entity, or the legislature.

22 (4) "Lead agency" means a public agency that by law can plan,
23 design, and build a transportation project and has been so designated
24 by the district.

25 (5) "Regional transportation investment district" or "district"
26 means a municipal corporation whose boundaries are coextensive with two
27 or more contiguous counties and that has been created by county
28 legislative authorities and a vote of the people under this chapter to
29 implement a regional transportation investment plan.

30 (6) "Regional transportation investment district planning
31 committee" or "planning committee" means the advisory committee created
32 under RCW 36.120.030 to create and propose to county legislative
33 authorities a regional transportation investment plan to develop,
34 finance, and construct transportation projects.

35 (7) "Regional transportation investment plan" or "plan" means a
36 plan to develop, construct, and finance a transportation project or
37 projects.

1 (8) "Transportation project" means:

2 (a) A capital improvement or improvements to a highway that has
3 been designated, in whole or in part, as a highway of statewide
4 significance, including an extension, that:

5 (i) Adds a lane or new lanes to an existing state or federal
6 highway; or

7 (ii) Repairs or replaces a lane or lanes damaged by an event
8 declared an emergency by the governor before January 1, 2002.

9 (b) A capital improvement or improvements to all or a portion of a
10 highway of statewide significance, including an extension, and may
11 include the following associated multimodal capital improvements:

12 (i) Approaches to highways of statewide significance;

13 (ii) High-occupancy vehicle lanes;

14 (iii) Flyover ramps;

15 (iv) Park and ride lots;

16 (v) Bus pullouts;

17 (vi) Vans for vanpools;

18 (vii) Buses; and

19 (viii) Signalization, ramp metering, and other transportation
20 system management improvements.

21 (c) A capital improvement or improvements to all or a portion of a
22 city street, county road, or existing highway or the creation of a new
23 highway that intersects with a highway of statewide significance, if
24 all of the following conditions are met:

25 (i) The project is included in a plan that makes highway
26 improvement projects that add capacity to a highway or highways of
27 statewide significance;

28 (ii) The secretary of transportation determines that the project
29 would better relieve traffic congestion than investing that same money
30 in adding capacity to a highway of statewide significance;

31 (iii) Matching money equal to one-third of the total cost of the
32 project is provided by local entities, including but not limited to a
33 metropolitan planning organization, county, city, port, or private
34 entity in which a county participating in a plan is located. Local
35 entities may use federal grants to meet this matching requirement;

36 (iv) In no case may the cumulative regional transportation
37 investment district contribution to all projects constructed under this

1 subsection (8)(c) exceed ten percent of the revenues generated by the
2 district;

3 (v) In no case may the cumulative regional transportation
4 investment district contribution to all projects constructed under this
5 subsection (8)(c) exceed one billion dollars; and

6 (vi) The specific projects are included within the plan and
7 submitted as part of the plan to a vote of the people.

8 (d) Operations, preservation, and maintenance are excluded from
9 this definition and may not be included in a regional transportation
10 investment plan.

11 (9) "Weighted vote" means a vote that reflects the population each
12 board or planning committee member represents relative to the
13 population represented by the total membership of the board or planning
14 committee. Population will be determined using the federal 2000 census
15 or subsequent federal census data.

16 **Sec. 11.** RCW 47.64.011 and 1983 c 15 s 2 are each amended to read
17 as follows:

18 As used in this chapter, unless the context otherwise requires, the
19 definitions in this section shall apply.

20 (1) "Arbitration" means the procedure whereby the parties involved
21 in an impasse submit their differences to a third party for a final and
22 binding decision or as provided in this chapter.

23 (2) "Arbitrator" means either a single arbitrator or a panel of
24 three arbitrators as provided in RCW 47.64.240.

25 (3) "Collective bargaining representative" means the persons
26 designated by the secretary of transportation and employee
27 organizations to be the exclusive representatives during collective
28 bargaining negotiations.

29 (4) "Department of transportation" means the department as defined
30 in RCW 47.01.021.

31 (5) "Ferry employee" means any employee of the marine
32 transportation division of the department of transportation who is a
33 member of a collective bargaining unit represented by a ferry employee
34 organization and does not include an exempt employee pursuant to RCW
35 41.06.079.

36 (6) "Ferry employee organization" means any labor organization

1 recognized to represent a collective bargaining unit of ferry
2 employees.

3 (7) "Ferry system management" means those management personnel of
4 the marine transportation division of the department of transportation
5 who have been vested with the day-to-day management responsibilities of
6 the Washington state ferry system by the legislative transportation
7 (~~commission~~) committee and who are not members of a collective
8 bargaining unit represented by a ferry employee organization.

9 (8) "Lockout" means the refusal of ferry system management to
10 furnish work to ferry employees in an effort to get ferry employee
11 organizations to make concessions during collective bargaining,
12 grievance, or other labor relation negotiations. Curtailment of
13 employment of ferry employees due to lack of work resulting from a
14 strike or work stoppage, as defined in subsection (11) of this section,
15 shall not be considered a lockout.

16 (9) "Marine employees' commission" means the commission created in
17 RCW 47.64.280.

18 (10) "Office of financial management" means the office as created
19 in RCW 43.41.050.

20 (11) "Strike or work stoppage" means a ferry employee's refusal, in
21 concerted action with others, to report to duty, or his or her willful
22 absence from his or her position, or his or her stoppage or slowdown of
23 work, or his or her abstinence in whole or in part from the full,
24 faithful, and proper performance of the duties of employment, for the
25 purpose of inducing, influencing, or coercing a change in conditions,
26 compensation, rights, privileges, or obligations of his, her, or any
27 other ferry employee's employment. A refusal, in good faith, to work
28 under conditions which pose an endangerment to the health and safety of
29 ferry employees or the public, as determined by the master of the
30 vessel, shall not be considered a strike for the purposes of this
31 chapter.

32 (12) "Legislative transportation (~~commission~~) committee" means
33 the (~~commission~~) committee as defined in chapter 44.40 RCW
34 (~~(47.01.021)~~).

35 **Sec. 12.** RCW 47.64.170 and 1983 c 15 s 8 are each amended to read
36 as follows:

37 (1) Any ferry employee organization certified as the bargaining

1 representative shall be the exclusive representative of all ferry
2 employees in the bargaining unit and shall represent all such employees
3 fairly.

4 (2) A ferry employee organization or organizations and the
5 secretary of transportation may each designate any individual as its
6 representative to engage in collective bargaining negotiations.

7 (3) Negotiating sessions, including strategy meetings of ferry
8 system management or employee organizations, mediation, and the
9 deliberative process of arbitrators are exempt from the provisions of
10 chapter 42.30 RCW. Hearings conducted by arbitrators may be open to
11 the public by mutual consent of the parties. Any meeting of the
12 legislative transportation ((commission)) committee, during which a
13 collective bargaining agreement is subject to ratification, shall be
14 open to the public.

15 (4) Terms of any collective bargaining agreement may be enforced by
16 civil action in Thurston county superior court upon the initiative of
17 either party.

18 (5) Ferry system employees or any employee organization shall not
19 negotiate or attempt to negotiate directly with a member of the
20 legislative transportation ((commission)) committee if the
21 ((commission)) committee has appointed or authorized a bargaining
22 representative for the purpose of bargaining with the ferry employees
23 or their representative, unless the member of the ((commission))
24 committee is the designated bargaining representative of the ferry
25 system.

26 (6) The negotiation of a proposed collective bargaining agreement
27 by representatives of ferry system management and a ferry employee
28 organization shall commence in each odd-numbered year immediately
29 following adoption by the legislature and approval by the governor of
30 the biennial budget.

31 (7) Until a new collective bargaining agreement is negotiated, or
32 until an award is made by the arbitrator, the terms and conditions of
33 the previous collective bargaining agreement shall remain in force.
34 The wage and benefit provisions of any collective bargaining agreement,
35 or arbitrator's award in lieu thereof, that is concluded after July 1st
36 of an odd-numbered year shall be retroactive to July 1st. It is the
37 intent of this section that the collective bargaining agreement or
38 arbitrator's award shall commence on July 1st of each odd-numbered year

1 and shall terminate on June 30th of the next odd-numbered year to
2 coincide with the ensuing biennial budget year, as defined by RCW
3 43.88.020(7), to the extent practical.

4 (8) Any ferry union contract terminating before July 1, 1983,
5 shall, with the agreement of the parties, remain in effect until a
6 contract can be concluded under RCW 47.64.006, 47.64.011, and 47.64.120
7 through 47.64.280. The contract may be retroactive to the expiration
8 date of the prior contract, and the cost to the department of three
9 months retroactive compensation and benefits for this 1983 contract
10 negotiation only shall not be included in calculating the limitation
11 imposed by RCW 47.64.180. If the parties cannot agree to contract
12 extension, any increase agreed to for the three-month period shall be
13 included in calculating the limit imposed by RCW 47.64.180.

14 (9) Any ferry union contract which would terminate after July 1,
15 1983, may, by agreement of the parties, be terminated as of July 1,
16 1983, and a new contract concluded pursuant to RCW 47.64.006,
17 47.64.011, and 47.64.120 through 47.64.280. Any contract terminating
18 after July 1, 1983, is subject to this chapter only upon its expiration
19 and shall not be renewed for a period beyond July 1, 1985.

20 **Sec. 13.** RCW 47.80.060 and 1992 c 101 s 31 are each amended to
21 read as follows:

22 In order to qualify for state planning funds available to regional
23 transportation planning organizations, the regional transportation
24 planning organizations containing any county with a population in
25 excess of one million shall provide voting membership on its executive
26 board to the ((state)) legislative transportation ((commission))
27 committee, the state department of transportation, and the three
28 largest public port districts within the region as determined by gross
29 operating revenues. It shall further assure that at least fifty
30 percent of the county and city local elected officials who serve on the
31 executive board also serve on transit agency boards or on a regional
32 transit authority.

33 **Sec. 14.** RCW 46.44.042 and 1996 c 116 s 1 are each amended to read
34 as follows:

35 Subject to the maximum gross weights specified in RCW 46.44.041, it
36 is unlawful to operate any vehicle upon the public highways with a

1 gross weight, including load, upon any tire concentrated upon the
2 surface of the highway in excess of six hundred pounds per inch width
3 of such tire. An axle manufactured after July 31, 1993, carrying more
4 than ten thousand pounds gross weight must be equipped with four or
5 more tires. Effective January 1, 1997, an axle carrying more than ten
6 thousand pounds gross weight must have four or more tires, regardless
7 of date of manufacture. Instead of the four or more tires per axle
8 requirements of this section, an axle may be equipped with two tires
9 limited to five hundred pounds per inch width of tire. This section
10 does not apply to vehicles operating under oversize or overweight
11 permits, or both, issued under RCW 46.44.090, while carrying a
12 nonreducible load.

13 The following equipment may operate at six hundred pounds per inch
14 width of tire: (1) A nonliftable steering axle or axles on the power
15 unit; (2) a tiller axle on fire fighting apparatus; (3) a rear booster
16 trailing axle equipped with two tires on a ready-mix concrete transit
17 truck; and (4) a straddle trailer manufactured before January 1, 1996,
18 equipped with single-tire axles or a single axle using a walking beam
19 supported by two in-line single tires and used exclusively for the
20 transport of fruit bins between field, storage, and processing. A
21 straddle trailer manufactured after January 1, 1996, meeting this use
22 criteria may carry five hundred fifteen pounds per inch width of tire
23 on sixteen and one-half inch wide tires.

24 For the purpose of this section, the width of tire in case of solid
25 rubber or hollow center cushion tires, so long as the use thereof may
26 be permitted by the law, shall be measured between the flanges of the
27 rim. For the purpose of this section, the width of tires in case of
28 pneumatic tires shall be the maximum overall normal inflated width as
29 stipulated by the manufacturer when inflated to the pressure specified
30 and without load thereon.

31 The department of transportation, under rules adopted by the
32 legislative transportation (~~commission~~) committee with respect to
33 state highways, and a local authority, with respect to a public highway
34 under its jurisdiction, may extend the weight table in RCW 46.44.041 to
35 one hundred fifteen thousand pounds. However, the extension must be in
36 compliance with federal law, and vehicles operating under the extension
37 must be in full compliance with the 1997 axle and tire requirements
38 under this section.

1 **Sec. 15.** RCW 46.44.080 and 1977 ex.s. c 151 s 29 are each amended
2 to read as follows:

3 Local authorities with respect to public highways under their
4 jurisdiction may prohibit the operation thereon of motor trucks or
5 other vehicles or may impose limits as to the weight thereof, or any
6 other restrictions as may be deemed necessary, whenever any such public
7 highway by reason of rain, snow, climatic or other conditions, will be
8 seriously damaged or destroyed unless the operation of vehicles thereon
9 be prohibited or restricted or the permissible weights thereof reduced:
10 PROVIDED, That whenever a highway has been closed generally to vehicles
11 or specified classes of vehicles, local authorities shall by general
12 rule or by special permit authorize the operation thereon of school
13 buses, emergency vehicles, and motor trucks transporting perishable
14 commodities or commodities necessary for the health and welfare of
15 local residents under such weight and speed restrictions as the local
16 authorities deem necessary to protect the highway from undue damage:
17 PROVIDED FURTHER, That the governing authorities of incorporated cities
18 and towns shall not prohibit the use of any city street designated by
19 the legislative transportation (~~commission~~) committee as forming a
20 part of the route of any primary state highway through any such
21 incorporated city or town by vehicles or any class of vehicles or
22 impose any restrictions or reductions in permissible weights unless
23 such restriction, limitation, or prohibition, or reduction in
24 permissible weights be first approved in writing by the department of
25 transportation.

26 The local authorities imposing any such restrictions or
27 limitations, or prohibiting any use or reducing the permissible weights
28 shall do so by proper ordinance or resolution and shall erect or cause
29 to be erected and maintained signs designating the provisions of the
30 ordinance or resolution in each end of the portion of any public
31 highway affected thereby, and no such ordinance or resolution shall be
32 effective unless and until such signs are erected and maintained.

33 The department shall have the same authority as hereinabove granted
34 to local authorities to prohibit or restrict the operation of vehicles
35 upon state highways. The department shall give public notice of
36 closure or restriction. The department may issue special permits for
37 the operation of school buses and motor trucks transporting perishable

1 commodities or commodities necessary for the health and welfare of
2 local residents under specified weight and speed restrictions as may be
3 necessary to protect any state highway from undue damage.

4 **Sec. 16.** RCW 46.44.096 and 1996 c 92 s 1 are each amended to read
5 as follows:

6 In determining fees according to RCW 46.44.0941, mileage on state
7 primary and secondary highways shall be determined from the planning
8 survey records of the department of transportation, and the gross
9 weight of the vehicle or vehicles, including load, shall be declared by
10 the applicant. Overweight on which fees shall be paid will be gross
11 loadings in excess of loadings authorized by law or axle loadings in
12 excess of loadings authorized by law, whichever is the greater. Loads
13 which are overweight and oversize shall be charged the fee for the
14 overweight permit without additional fees being assessed for the
15 oversize features.

16 Special permits issued under RCW 46.44.047, 46.44.0941, or
17 46.44.095, may be obtained from offices of the department of
18 transportation, ports of entry, or other agents appointed by the
19 department.

20 The department may appoint agents for the purposes of selling
21 special motor vehicle permits, temporary additional tonnage permits,
22 and log tolerance permits. Agents so appointed may retain three
23 dollars and fifty cents for each permit sold to defray expenses
24 incurred in handling and selling the permits. If the fee is collected
25 by the department of transportation, the department shall certify the
26 fee so collected to the state treasurer for deposit to the credit of
27 the motor vehicle fund.

28 The department may select a third party contractor, by means of
29 competitive bid, to perform the department's permit issuance function,
30 as provided under RCW 46.44.090. Factors the department shall
31 consider, but is not limited to, in the selection of a third party
32 contractor are economic benefit to both the department and the motor
33 carrier industry, and enhancement of the overall level of permit
34 service. For purposes of this section, "third party contractor" means
35 a business entity that is authorized by the department to issue special
36 permits. The legislative transportation (~~commission~~) committee may

1 adopt rules specifying the criteria that a business entity must meet in
2 order to qualify as a third party contractor under this section.

3 Fees established in RCW 46.44.0941 shall be paid to the political
4 body issuing the permit if the entire movement is to be confined to
5 roads, streets, or highways for which that political body is
6 responsible. When a movement involves a combination of state highways,
7 county roads, and/or city streets the fee shall be paid to the state
8 department of transportation. When a movement is confined within the
9 city limits of a city or town upon city streets, including routes of
10 state highways on city streets, all fees shall be paid to the city or
11 town involved. A permit will not be required from city or town
12 authorities for a move involving a combination of city or town streets
13 and state highways when the move through a city or town is being
14 confined to the route of the state highway. When a move involves a
15 combination of county roads and city streets the fee shall be paid to
16 the county authorities, but the fee shall not be collected nor the
17 county permit issued until valid permits are presented showing that the
18 city or town authorities approve of the move in question. When the
19 movement involves only county roads the fees collected shall be paid to
20 the county involved. Fees established shall be paid to the political
21 body issuing the permit if the entire use of the vehicle during the
22 period covered by the permit shall be confined to the roads, streets,
23 or highways for which that political body is responsible.

24 **Sec. 17.** RCW 46.44.090 and 2001 c 262 s 1 are each amended to read
25 as follows:

26 The department of transportation, pursuant to rules adopted by the
27 legislative transportation (~~commission~~) committee with respect to
28 state highways, and local authorities, with respect to public highways
29 under their jurisdiction, may, upon application in writing and good
30 cause being shown therefor, issue a special permit in writing, or
31 electronically, authorizing the applicant to operate or move a vehicle
32 or combination of vehicles of a size, weight of vehicle, or load
33 exceeding the maximum set forth in RCW 46.44.010, 46.44.020, 46.44.030,
34 46.44.034, and 46.44.041 upon any public highway under the jurisdiction
35 of the authority granting such permit and for the maintenance of which
36 such authority is responsible.

1 **Sec. 18.** RCW 46.44.092 and 1989 c 398 s 2 are each amended to read
2 as follows:

3 Special permits may not be issued for movements on any state
4 highway outside the limits of any city or town in excess of the
5 following widths:

6 On two-lane highways, fourteen feet;

7 On multiple-lane highways where a physical barrier serving as a
8 median divider separates opposing traffic lanes, twenty feet;

9 On multiple-lane highways without a physical barrier serving as a
10 median divider, thirty-two feet.

11 These limits apply except under the following conditions:

12 (1) In the case of buildings, the limitations referred to in this
13 section for movement on any two lane state highway other than the
14 national system of interstate and defense highways may be exceeded
15 under the following conditions: (a) Controlled vehicular traffic shall
16 be maintained in one direction at all times; (b) the maximum distance
17 of movement shall not exceed five miles; additional contiguous permits
18 shall not be issued to exceed the five-mile limit: PROVIDED, That when
19 the department of transportation, pursuant to general rules adopted by
20 the legislative transportation (~~commission~~) committee, determines a
21 hardship would result, this limitation may be exceeded upon approval of
22 the department of transportation; (c) prior to issuing a permit a
23 qualified transportation department employee shall make a visual
24 inspection of the building and route involved determining that the
25 conditions listed herein shall be complied with and that structures or
26 overhead obstructions may be cleared or moved in order to maintain a
27 constant and uninterrupted movement of the building; (d) special escort
28 or other precautions may be imposed to assure movement is made under
29 the safest possible conditions, and the Washington state patrol shall
30 be advised when and where the movement is to be made;

31 (2) Permits may be issued for widths of vehicles in excess of the
32 preceding limitations on highways or sections of highways which have
33 been designed and constructed for width in excess of such limitations;

34 (3) Permits may be issued for vehicles with a total outside width,
35 including the load, of nine feet or less when the vehicle is equipped
36 with a mechanism designed to cover the load pursuant to RCW 46.61.655;

37 (4) These limitations may be rescinded when certification is made
38 by military officials, or by officials of public or private power

1 facilities, or when in the opinion of the department of transportation
2 the movement or action is a necessary movement or action: PROVIDED
3 FURTHER, That in the judgment of the department of transportation the
4 structures and highway surfaces on the routes involved are capable of
5 sustaining widths in excess of such limitation;

6 (5) These limitations shall not apply to movement during daylight
7 hours on any two lane state highway where the gross weight, including
8 load, does not exceed eighty thousand pounds and the overall width of
9 load does not exceed sixteen feet: PROVIDED, That the minimum and
10 maximum speed of such movements, prescribed routes of such movements,
11 the times of such movements, limitation upon frequency of trips (which
12 limitation shall be not less than one per week), and conditions to
13 assure safety of traffic may be prescribed by the department of
14 transportation or local authority issuing such special permit.

15 The applicant for any special permit shall specifically describe
16 the vehicle or vehicles and load to be operated or moved and the
17 particular state highways for which permit to operate is requested and
18 whether such permit is requested for a single trip or for continuous
19 operation.

20 **Sec. 19.** RCW 46.61.450 and 1977 ex.s. c 151 s 39 are each amended
21 to read as follows:

22 It shall be unlawful for any person to operate a vehicle or any
23 combination of vehicles over any bridge or other elevated structure or
24 through any tunnel or underpass constituting a part of any public
25 highway at a rate of speed or with a gross weight or of a size which is
26 greater at any time than the maximum speed or maximum weight or size
27 which can be maintained or carried with safety over any such bridge or
28 structure or through any such tunnel or underpass when such bridge,
29 structure, tunnel, or underpass is sign posted as hereinafter provided.
30 The secretary of transportation, if it be a bridge, structure, tunnel,
31 or underpass upon a state highway, or the governing body or authorities
32 of any county, city, or town, if it be upon roads or streets under
33 their jurisdiction, may restrict the speed which may be maintained or
34 the gross weight or size which may be operated upon or over any such
35 bridge or elevated structure or through any such tunnel or underpass
36 with safety thereto. The secretary or the governing body or
37 authorities of any county, city, or town having jurisdiction shall

1 determine and declare the maximum speed or maximum gross weight or size
2 which such bridge, elevated structure, tunnel, or underpass can
3 withstand or accommodate and shall cause suitable signs stating such
4 maximum speed or maximum gross weight, or size, or either, to be
5 erected and maintained on the right hand side of such highway, road, or
6 street and at a distance of not less than one hundred feet from each
7 end of such bridge, structure, tunnel, or underpass and on the approach
8 thereto: PROVIDED, That in the event that any such bridge, elevated
9 structure, tunnel, or underpass is upon a city street designated by the
10 legislative transportation (~~commission~~) committee as forming a part
11 of the route of any state highway through any such incorporated city or
12 town the determination of any maximum speed or maximum gross weight or
13 size which such bridge, elevated structure, tunnel, or underpass can
14 withstand or accommodate shall not be enforceable at any speed, weight,
15 or size less than the maximum allowed by law, unless with the approval
16 in writing of the secretary. Upon the trial of any person charged with
17 a violation of this section, proof of either violation of maximum speed
18 or maximum weight, or size, or either, and the distance and location of
19 such signs as are required, shall constitute conclusive evidence of the
20 maximum speed or maximum weight, or size, or either, which can be
21 maintained or carried with safety over such bridge or elevated
22 structure or through such tunnel or underpass.

23 **Sec. 20.** RCW 47.01.012 and 2002 c 5 s 101 are each amended to read
24 as follows:

25 It is the intent of the legislature to establish policy goals for
26 the operation, performance of, and investment in, the state's
27 transportation system. The policy goals shall consist of, but not be
28 limited to, the following benchmark categories, adopted by the state's
29 Blue Ribbon Commission on Transportation on November 30, 2000. In
30 addition to improving safety, public investments in transportation
31 shall support achievement of these and other priority goals:

32 No interstate highways, state routes, and local arterials shall be
33 in poor condition; no bridges shall be structurally deficient, and
34 safety retrofits shall be performed on those state bridges at the
35 highest seismic risk levels; traffic congestion on urban state highways
36 shall be significantly reduced and be no worse than the national mean;
37 delay per driver shall be significantly reduced and no worse than the

1 national mean; per capita vehicle miles traveled shall be maintained at
2 2000 levels; the nonauto share of commuter trips shall be increased in
3 urban areas; administrative costs as a percentage of transportation
4 spending shall achieve the most efficient quartile nationally; and the
5 state's public transit agencies shall achieve the median cost per
6 vehicle revenue hour of peer transit agencies, adjusting for the
7 regional cost-of-living.

8 These policy goals shall be the basis for establishment of detailed
9 and measurable performance benchmarks.

10 It is the intent of the legislature that the legislative
11 transportation (~~(commission)~~) committee establish performance measures
12 to ensure transportation system performance at local, regional, and
13 state government levels, and the legislative transportation
14 (~~(commission)~~) committee should work with appropriate government
15 entities to accomplish this.

16 **Sec. 21.** RCW 35.58.2795 and 1994 c 158 s 6 are each amended to
17 read as follows:

18 By April 1st of each year, the legislative authority of each
19 municipality, as defined in RCW 35.58.272, and each regional transit
20 authority shall prepare a six-year transit development plan for that
21 calendar year and the ensuing five years. The program shall be
22 consistent with the comprehensive plans adopted by counties, cities,
23 and towns, pursuant to chapter 35.63, 35A.63, or 36.70 RCW, the
24 inherent authority of a first class city or charter county derived from
25 its charter, or chapter 36.70A RCW. The program shall contain
26 information as to how the municipality intends to meet state and local
27 long-range priorities for public transportation, capital improvements,
28 significant operating changes planned for the system, and how the
29 municipality intends to fund program needs. The six-year plan for each
30 municipality and regional transit authority shall specifically set
31 forth those projects of regional significance for inclusion in the
32 transportation improvement program within that region. Each
33 municipality and regional transit authority shall file the six-year
34 program with the state department of transportation, the transportation
35 improvement board, and cities, counties, and regional planning councils
36 within which the municipality is located.

1 In developing its program, the municipality and the regional
2 transit authority shall consider those policy recommendations affecting
3 public transportation contained in the state transportation policy plan
4 approved by the ((state)) legislative transportation ((commission))
5 committee and, where appropriate, adopted by the legislature. The
6 municipality shall conduct one or more public hearings while developing
7 its program and for each annual update.

8 **Sec. 22.** RCW 47.56.070 and 1977 ex.s. c 151 s 67 are each amended
9 to read as follows:

10 The department of transportation may, with the approval of the
11 ((~~transportation commission~~)) committee, provide for the establishment,
12 construction, and operation of toll tunnels, toll roads, and other
13 facilities necessary for their construction and connection with public
14 highways of the state. It may cause surveys to be made to determine
15 the propriety of their establishment, construction, and operation, and
16 may acquire rights of way and other facilities necessary to carry out
17 the provisions hereof; and may issue, sell, and redeem bonds, and
18 deposit and expend them; secure and remit financial and other
19 assistance in the construction thereof; carry insurance thereon; and
20 handle any other matters pertaining thereto, all of which shall be
21 conducted in the same manner and under the same procedure as provided
22 for the establishing, constructing, operating, and maintaining of toll
23 bridges by the department, insofar as reasonably consistent and
24 applicable. No toll facility, toll bridge, toll road, or toll tunnel,
25 shall be combined with any other toll facility for the purpose of
26 financing unless such facilities form a continuous project, to the end
27 that each such facility or project be self-liquidating and self-
28 sustaining.

29 **Sec. 23.** RCW 47.01.071 and 1981 c 59 s 2 are each amended to read
30 as follows:

31 The legislative transportation ((~~commission shall have~~)) committee
32 has the following functions, powers, and duties:

33 (1) To propose policies to be adopted by the legislature designed
34 to assure the development and maintenance of a comprehensive and
35 balanced statewide transportation system which will meet the needs of
36 the people of this state for safe and efficient transportation

1 services. Wherever appropriate the policies shall provide for the use
2 of integrated, intermodal transportation systems to implement the
3 social, economic, and environmental policies, goals, and objectives of
4 the people of the state, and especially to conserve nonrenewable
5 natural resources including land and energy. To this end the
6 (~~commission~~) committee shall:

7 (a) Develop transportation policies which are based on the
8 policies, goals, and objectives expressed and inherent in existing
9 state laws;

10 (b) Inventory the adopted policies, goals, and objectives of the
11 local and area-wide governmental bodies of the state and define the
12 role of the state, regional, and local governments in determining
13 transportation policies, in transportation planning, and in
14 implementing the state transportation plan;

15 (c) Propose a transportation policy for the state, and after notice
16 and public hearings, submit the proposal to (~~the legislative~~
17 ~~transportation committee and~~) the senate and house transportation
18 committees by January 1, 1978, for consideration in the next
19 legislative session;

20 (d) Establish a procedure for review and revision of the state
21 transportation policy and for submission of proposed changes to the
22 legislature;

23 (e) To integrate the statewide transportation plan with the needs
24 of the elderly and handicapped, and to coordinate federal and state
25 programs directed at assisting local governments to answer such needs;

26 (2) To establish the policy of the department to be followed by the
27 secretary on each of the following items:

28 (a) To provide for the effective coordination of state
29 transportation planning with national transportation policy, state and
30 local land use policies, and local and regional transportation plans
31 and programs;

32 (b) To provide for public involvement in transportation designed to
33 elicit the public's views both with respect to adequate transportation
34 services and appropriate means of minimizing adverse social, economic,
35 environmental, and energy impact of transportation programs;

36 (c) To provide for the administration of grants in aid and other
37 financial assistance to counties and municipal corporations for
38 transportation purposes;

1 (d) To provide for the management, sale, and lease of property or
2 property rights owned by the department which are not required for
3 transportation purposes;

4 (3) To direct the secretary to prepare and submit to the
5 (~~commission~~) committee a comprehensive and balanced statewide
6 transportation plan which shall be based on the transportation policy
7 adopted by the legislature and applicable state and federal laws.
8 After public notice and hearings, the (~~commission~~) committee shall
9 adopt the plan and submit it to (~~the legislative transportation~~
10 ~~committee and to~~) the house and senate standing committees on
11 transportation before January 1, 1980, for consideration in the 1980
12 regular legislative session. The plan shall be reviewed and revised
13 prior to each regular session of the legislature during an even-
14 numbered year thereafter. A preliminary plan shall be submitted to
15 such committees by January 1, 1979.

16 The plan shall take into account federal law and regulations
17 relating to the planning, construction, and operation of transportation
18 facilities;

19 (4) To propose to the governor and the legislature prior to the
20 convening of each regular session held in an odd-numbered year a
21 recommended budget for the operations of the (~~commission as required~~
22 ~~by RCW 47.01.061~~) committee;

23 (5) (~~To approve and propose to the governor and to the legislature~~
24 ~~prior to the convening of each regular session during an odd-numbered~~
25 ~~year a recommended budget for the operation of the department and for~~
26 ~~carrying out the program of the department for the ensuing biennium.~~
27 ~~The proposed budget shall separately state the appropriations to be~~
28 ~~made from the motor vehicle fund for highway purposes in accordance~~
29 ~~with constitutional limitations and appropriations and expenditures to~~
30 ~~be made from the general fund, or accounts thereof, and other available~~
31 ~~sources for other operations and programs of the department;~~

32 (6) ~~To review and authorize all departmental requests for~~
33 ~~legislation;~~

34 (7) ~~To approve the issuance and sale of all bonds authorized by the~~
35 ~~legislature for capital construction of state highways, toll~~
36 ~~facilities, Columbia Basin county roads (for which reimbursement to the~~
37 ~~motor vehicle fund has been provided), urban arterial projects, and~~
38 ~~aviation facilities;~~

1 ~~(8) To adopt such rules, regulations, and policy directives as may~~
2 ~~be necessary to carry out reasonably and properly those functions~~
3 ~~expressly vested in the commission by statute;~~

4 (9)) To delegate any of its powers to the secretary of
5 transportation whenever it deems it desirable for the efficient
6 administration of the department and consistent with the purposes of
7 this title;

8 ((~~10~~)) (6) To exercise such other specific powers and duties as
9 may be vested in the ((~~transportation commission~~)) committee by this or
10 any other provision of law.

11 **Sec. 24.** RCW 47.01.250 and 1998 c 245 s 92 are each amended to
12 read as follows:

13 The chief of the Washington state patrol, the director of the
14 traffic safety commission, the executive director of the county road
15 administration board, and the director of licensing are designated as
16 official consultants to the legislative transportation ((~~commission~~))
17 committee so that the goals and activities of their respective agencies
18 which relate to transportation are fully coordinated with other related
19 responsibilities of the department of transportation. In this
20 capacity, the chief of the Washington state patrol, the director of the
21 traffic safety commission, the executive director of the county road
22 administration board, and the director of licensing shall consult with
23 the legislative transportation ((~~commission~~)) committee and the
24 secretary of transportation on the implications and impacts on the
25 transportation related functions and duties of their respective
26 agencies of any proposed comprehensive transportation plan, program, or
27 policy.

28 In order to develop fully integrated, balanced, and coordinated
29 transportation plans, programs, and budgets the chief of the Washington
30 state patrol, the director of the traffic safety commission, the
31 executive director of the county road administration board, and the
32 director of licensing shall consult with the secretary of
33 transportation on the matter of relative priorities during the
34 development of their respective agencies' plans, programs, and budgets
35 as they pertain to transportation activities.

1 **Sec. 25.** RCW 47.01.280 and 1999 c 94 s 10 are each amended to read
2 as follows:

3 (1) Upon receiving an application for improvements to an existing
4 state highway or highways pursuant to RCW 43.160.074 from the community
5 economic revitalization board, the legislative transportation
6 (~~commission~~) committee shall, in a timely manner, determine whether
7 or not the proposed state highway improvements:

8 (a) Meet the safety and design criteria of the department of
9 transportation;

10 (b) Will impair the operational integrity of the existing highway
11 system;

12 (c) Will affect any other improvements planned by the department;
13 and

14 (d) Will be consistent with its policies developed pursuant to RCW
15 47.01.071.

16 (2) Upon completion of its determination of the factors contained
17 in subsection (1) of this section and any other factors it deems
18 pertinent, the legislative transportation (~~commission~~) committee
19 shall forward its approval, as submitted or amended or disapproval of
20 the proposed improvements to the board, along with any recommendation
21 it may wish to make concerning the desirability and feasibility of the
22 proposed development. If the legislative transportation (~~commission~~)
23 committee disapproves any proposed improvements, it shall specify its
24 reasons for disapproval.

25 (3) Upon notification from the board of an application's approval
26 pursuant to RCW 43.160.074, the legislative transportation
27 (~~commission~~) committee shall (~~direct the department of~~
28 ~~transportation to~~) carry out the improvements in coordination with the
29 applicant.

30 (4) The legislative transportation (~~commission~~) committee shall
31 notify the (~~legislative~~) house and senate standing committees on
32 transportation (~~committee~~) of all state highway improvements to be
33 carried out pursuant to RCW 43.160.074 and this section.

34 **Sec. 26.** RCW 47.05.021 and 2002 c 56 s 301 are each amended to
35 read as follows:

36 (1) The legislative transportation (~~commission is hereby directed~~
37 ~~to~~) committee shall conduct periodic analyses of the entire state

1 highway system, report thereon to the chairs of the transportation
2 committees of the senate and house of representatives, including one
3 copy to the staff of each of the committees, biennially and based
4 thereon, ((to)) subdivide, classify, and subclassify according to their
5 function and importance all designated state highways and those added
6 from time to time and periodically review and revise the
7 classifications into the following three functional classes:

8 (a) The "principal arterial system" shall consist of a connected
9 network of rural arterial routes with appropriate extensions into and
10 through urban areas, including all routes designated as part of the
11 interstate system, which serve corridor movements having travel
12 characteristics indicative of substantial statewide and interstate
13 travel;

14 (b) The "minor arterial system" shall, in conjunction with the
15 principal arterial system, form a rural network of arterial routes
16 linking cities and other activity centers which generate long distance
17 travel, and, with appropriate extensions into and through urban areas,
18 form an integrated network providing interstate and interregional
19 service; and

20 (c) The "collector system" shall consist of routes which primarily
21 serve the more important intercounty, intracounty, and intraurban
22 travel corridors, collect traffic from the system of local access roads
23 and convey it to the arterial system, and on which, regardless of
24 traffic volume, the predominant travel distances are shorter than on
25 arterial routes.

26 (2) In making the functional classification the legislative
27 transportation ((commission)) committee shall adopt and give
28 consideration to criteria consistent with this section and federal
29 regulations relating to the functional classification of highways,
30 including but not limited to the following:

31 (a) Urban population centers within and without the state
32 stratified and ranked according to size;

33 (b) Important traffic generating economic activities, including but
34 not limited to recreation, agriculture, government, business, and
35 industry;

36 (c) Feasibility of the route, including availability of alternate
37 routes within and without the state;

1 (d) Directness of travel and distance between points of economic
2 importance;

3 (e) Length of trips;

4 (f) Character and volume of traffic;

5 (g) Preferential consideration for multiple service which shall
6 include public transportation;

7 (h) Reasonable spacing depending upon population density; and

8 (i) System continuity.

9 (3) The ~~((transportation commission or the))~~ legislature shall
10 designate state highways of statewide significance under RCW 47.06.140.
11 ~~((If the commission designates a state highway of statewide
12 significance, it shall submit a list of such facilities for adoption by
13 the legislature.))~~ This statewide system shall include at a minimum
14 interstate highways and other statewide principal arterials that are
15 needed to connect major communities across the state and support the
16 state's economy.

17 (4) The legislative transportation ~~((commission))~~ committee shall
18 designate a freight and goods transportation system. This statewide
19 system shall include state highways, county roads, and city streets.
20 The ~~((commission))~~ committee, in cooperation with cities and counties,
21 shall review and make recommendations to the legislature regarding
22 policies governing weight restrictions and road closures which affect
23 the transportation of freight and goods.

24 **Sec. 27.** RCW 47.05.030 and 2002 c 5 s 402 are each amended to read
25 as follows:

26 The legislative transportation ~~((commission))~~ committee shall adopt
27 a comprehensive six-year investment program specifying program
28 objectives and performance measures for the preservation and
29 improvement programs defined in this section. In the specification of
30 investment program objectives and performance measures, the legislative
31 transportation ~~((commission, in consultation with the Washington state
32 department of transportation,))~~ committee shall define and adopt
33 standards for effective programming and prioritization practices
34 including a needs analysis process. The analysis process must ensure
35 the identification of problems and deficiencies, the evaluation of
36 alternative solutions and trade-offs, and estimations of the costs and
37 benefits of prospective projects. The investment program must be

1 revised biennially, effective on July 1st of odd-numbered years. The
2 investment program must be based upon the needs identified in the
3 state-owned highway component of the statewide transportation plan as
4 defined in RCW 47.01.071(3).

5 (1) The preservation program consists of those investments
6 necessary to preserve the existing state highway system and to restore
7 existing safety features, giving consideration to lowest life cycle
8 costing. The preservation program must require use of the most cost-
9 effective pavement surfaces, considering:

- 10 (a) Life-cycle cost analysis;
- 11 (b) Traffic volume;
- 12 (c) Subgrade soil conditions;
- 13 (d) Environmental and weather conditions;
- 14 (e) Materials available; and
- 15 (f) Construction factors.

16 The comprehensive six-year investment program for preservation must
17 identify projects for two years and an investment plan for the
18 remaining four years.

19 (2) The improvement program consists of investments needed to
20 address identified deficiencies on the state highway system to increase
21 mobility, address congestion, and improve safety, support for the
22 economy, and protection of the environment. The six-year investment
23 program for improvements must identify projects for two years and major
24 deficiencies proposed to be addressed in the six-year period giving
25 consideration to relative benefits and life cycle costing. The
26 legislative transportation (~~(commission)~~) committee shall give higher
27 priority for correcting identified deficiencies on those facilities
28 classified as facilities of statewide significance as defined in RCW
29 47.06.140. Project prioritization must be based primarily upon cost-
30 benefit analysis, where appropriate.

31 The legislative transportation (~~(commission)~~) committee shall
32 approve and present the comprehensive six-year investment program to
33 the legislature in support of the biennial budget request under RCW
34 44.40.070 and 44.40.080.

35 **Sec. 28.** RCW 47.05.035 and 2002 c 5 s 403 are each amended to read
36 as follows:

- 37 (1) The department (~~(and the commission)~~) shall use the

1 transportation demand modeling tools developed under subsection (2) of
2 this section to evaluate investments based on the best mode or
3 improvement, or mix of modes and improvements, to meet current and
4 future long-term demand within a corridor or system for the lowest
5 cost. The end result of these demand modeling tools is to provide a
6 cost-benefit analysis by which the department (~~and the commission~~)
7 can determine the relative mobility improvement and congestion relief
8 each mode or improvement under consideration will provide and the
9 relative investment each mode or improvement under consideration will
10 need to achieve that relief. The department must forward the results
11 of its analysis to the legislative transportation committee for
12 approval.

13 (2) The department will participate in the refinement, enhancement,
14 and application of existing transportation demand modeling tools to be
15 used to evaluate investments. This participation and use of
16 transportation demand modeling tools will be phased in.

17 (3) In developing program objectives and performance measures, the
18 legislative transportation (~~commission~~) committee shall evaluate
19 investment trade-offs between the preservation and improvement
20 programs. In making these investment trade-offs, the (~~commission~~)
21 committee shall evaluate, using cost-benefit techniques, roadway and
22 bridge maintenance activities as compared to roadway and bridge
23 preservation program activities and adjust those programs accordingly.

24 (4) The (~~commission~~) legislative transportation committee shall
25 allocate the estimated revenue between preservation and improvement
26 programs giving primary consideration to the following factors:

27 (a) The relative needs in each of the programs and the system
28 performance levels that can be achieved by meeting these needs;

29 (b) The need to provide adequate funding for preservation to
30 protect the state's investment in its existing highway system;

31 (c) The continuity of future transportation development with those
32 improvements previously programmed; and

33 (d) The availability of dedicated funds for a specific type of
34 work.

35 **Sec. 29.** RCW 47.05.051 and 2002 c 189 s 3 are each amended to read
36 as follows:

37 (1) The comprehensive six-year investment program shall be based

1 upon the needs identified in the state-owned highway component of the
2 statewide multimodal transportation plan as defined in RCW 47.01.071(3)
3 and priority selection systems that incorporate the following criteria:

4 (a) Priority programming for the preservation program shall take
5 into account the following, not necessarily in order of importance:

6 (i) Extending the service life of the existing highway system,
7 including using the most cost-effective pavement surfaces, considering:

8 (A) Life-cycle cost analysis;

9 (B) Traffic volume;

10 (C) Subgrade soil conditions;

11 (D) Environmental and weather conditions;

12 (E) Materials available; and

13 (F) Construction factors;

14 (ii) Ensuring the structural ability to carry loads imposed upon
15 highways and bridges; and

16 (iii) Minimizing life cycle costs. The legislative transportation
17 (~~commission~~) committee in carrying out the provisions of this section
18 may delegate to the department of transportation the authority to
19 select preservation projects to be included in the six-year program.

20 (b) Priority programming for the improvement program must be based
21 primarily upon the following, not necessarily in order of importance:

22 (i) Traffic congestion, delay, and accidents;

23 (ii) Location within a heavily traveled transportation corridor;

24 (iii) Except for projects in cities having a population of less
25 than five thousand persons, synchronization with other potential
26 transportation projects, including transit and multimodal projects,
27 within the heavily traveled corridor; and

28 (iv) Use of benefit/cost analysis wherever feasible to determine
29 the value of the proposed project.

30 (c) Priority programming for the improvement program may also take
31 into account:

32 (i) Support for the state's economy, including job creation and job
33 preservation;

34 (ii) The cost-effective movement of people and goods;

35 (iii) Accident and accident risk reduction;

36 (iv) Protection of the state's natural environment;

37 (v) Continuity and systematic development of the highway
38 transportation network;

1 (vi) Consistency with local comprehensive plans developed under
2 chapter 36.70A RCW including the following if they have been included
3 in the comprehensive plan:

4 (A) Support for development in and revitalization of existing
5 downtowns;

6 (B) Extent that development implements local comprehensive plans
7 for rural and urban residential and nonresidential densities;

8 (C) Extent of compact, transit-oriented development for rural and
9 urban residential and nonresidential densities;

10 (D) Opportunities for multimodal transportation; and

11 (E) Extent to which the project accommodates planned growth and
12 economic development;

13 (vii) Consistency with regional transportation plans developed
14 under chapter 47.80 RCW;

15 (viii) Public views concerning proposed improvements;

16 (ix) The conservation of energy resources;

17 (x) Feasibility of financing the full proposed improvement;

18 (xi) Commitments established in previous legislative sessions;

19 (xii) Relative costs and benefits of candidate programs.

20 (d) Major projects addressing capacity deficiencies which
21 prioritize allowing for preliminary engineering shall be reprioritized
22 during the succeeding biennium, based upon updated project data.
23 Reprioritized projects may be delayed or canceled by the legislative
24 transportation (~~commission~~) committee if higher priority projects are
25 awaiting funding.

26 (e) Major project approvals which significantly increase a
27 project's scope or cost from original prioritization estimates shall
28 include a review of the project's estimated revised priority rank and
29 the level of funding provided. Projects may be delayed or canceled by
30 the legislative transportation (~~commission~~) committee if higher
31 priority projects are awaiting funding.

32 (2) The (~~commission~~) legislative transportation committee may
33 depart from the priority programming established under subsection (1)
34 of this section: (a) To the extent that otherwise funds cannot be
35 utilized feasibly within the program; (b) as may be required by a court
36 judgment, legally binding agreement, or state and federal laws and
37 regulations; (c) as may be required to coordinate with federal, local,
38 or other state agency construction projects; (d) to take advantage of

1 some substantial financial benefit that may be available; (e) for
2 continuity of route development; or (f) because of changed financial or
3 physical conditions of an unforeseen or emergent nature. The
4 (~~commission or secretary of~~) legislative transportation committee
5 shall maintain in its files information sufficient to show the extent
6 to which the (~~commission~~) committee has departed from the established
7 priority.

8 (3) The (~~commission~~) committee shall identify those projects that
9 yield freight mobility benefits or that alleviate the impacts of
10 freight mobility upon affected communities.

11 **Sec. 30.** RCW 47.06.030 and 1997 c 369 s 8 are each amended to read
12 as follows:

13 The (~~commission~~) legislative transportation committee shall
14 develop a state transportation policy plan that (1) establishes a
15 vision and goals for the development of the statewide transportation
16 system consistent with the state's growth management goals, (2)
17 identifies significant statewide transportation policy issues, and (3)
18 recommends statewide transportation policies and strategies to the
19 legislature to fulfill the requirements of RCW 47.01.071(1). The state
20 transportation policy plan shall be the product of an ongoing process
21 that involves representatives of significant transportation interests
22 and the general public from across the state. The plan shall address
23 how the department of transportation will meet the transportation needs
24 and expedite the completion of industrial projects of statewide
25 significance.

26 **Sec. 31.** RCW 47.06.050 and 2002 c 5 s 413 are each amended to read
27 as follows:

28 The state-owned facilities component of the statewide
29 transportation plan shall consist of:

30 (1) The state highway system plan, which identifies program and
31 financing needs and recommends specific and financially realistic
32 improvements to preserve the structural integrity of the state highway
33 system, ensure acceptable operating conditions, and provide for
34 enhanced access to scenic, recreational, and cultural resources. The
35 state highway system plan shall contain the following elements:

1 (a) A system preservation element, which shall establish structural
2 preservation objectives for the state highway system including bridges,
3 identify current and future structural deficiencies based upon analysis
4 of current conditions and projected future deterioration, and recommend
5 program funding levels and specific actions necessary to preserve the
6 structural integrity of the state highway system consistent with
7 adopted objectives. Lowest life cycle cost methodologies must be used
8 in developing a pavement management system. This element shall serve
9 as the basis for the preservation component of the six-year highway
10 program and the two-year biennial budget request to the legislature;

11 (b) A highway maintenance element, establishing service levels for
12 highway maintenance on state-owned highways that meet benchmarks
13 established by the legislative transportation (~~commission~~) committee.
14 The highway maintenance element must include an estimate of costs for
15 achieving those service levels over twenty years. This element will
16 serve as the basis for the maintenance component of the six-year
17 highway program and the two-year biennial budget request to the
18 legislature;

19 (c) A capacity and operational improvement element, which shall
20 establish operational objectives, including safety considerations, for
21 moving people and goods on the state highway system, identify current
22 and future capacity, operational, and safety deficiencies, and
23 recommend program funding levels and specific improvements and
24 strategies necessary to achieve the operational objectives. In
25 developing capacity and operational improvement plans the department
26 shall first assess strategies to enhance the operational efficiency of
27 the existing system before recommending system expansion. Strategies
28 to enhance the operational efficiencies include but are not limited to
29 access management, transportation system management, demand management,
30 and high-occupancy vehicle facilities. The capacity and operational
31 improvement element must conform to the state implementation plan for
32 air quality and be consistent with regional transportation plans
33 adopted under chapter 47.80 RCW, and shall serve as the basis for the
34 capacity and operational improvement portions of the six-year highway
35 program and the two-year biennial budget request to the legislature;

36 (d) A scenic and recreational highways element, which shall
37 identify and recommend designation of scenic and recreational highways,
38 provide for enhanced access to scenic, recreational, and cultural

1 resources associated with designated routes, and recommend a variety of
2 management strategies to protect, preserve, and enhance these
3 resources. The department, affected counties, cities, and towns,
4 regional transportation planning organizations, and other state or
5 federal agencies shall jointly develop this element;

6 (e) A paths and trails element, which shall identify the needs of
7 nonmotorized transportation modes on the state transportation systems
8 and provide the basis for the investment of state transportation funds
9 in paths and trails, including funding provided under chapter 47.30
10 RCW.

11 (2) The state ferry system plan, which shall guide capital and
12 operating investments in the state ferry system. The plan shall
13 establish service objectives for state ferry routes, forecast travel
14 demand for the various markets served in the system, develop strategies
15 for ferry system investment that consider regional and statewide
16 vehicle and passenger needs, support local land use plans, and assure
17 that ferry services are fully integrated with other transportation
18 services. The plan must provide for maintenance of capital assets.
19 The plan must also provide for preservation of capital assets based on
20 lowest life cycle cost methodologies. The plan shall assess the role
21 of private ferries operating under the authority of the utilities and
22 transportation commission and shall coordinate ferry system capital and
23 operational plans with these private operations. The ferry system plan
24 must be consistent with the regional transportation plans for areas
25 served by the state ferry system, and shall be developed in conjunction
26 with the ferry advisory committees.

27 **Sec. 32.** RCW 47.12.242 and 1991 c 291 s 1 are each amended to read
28 as follows:

29 The term "advance right of way acquisition" means the acquisition
30 of property and property rights, generally not more than ten years in
31 advance of programmed highway construction projects, together with the
32 engineering costs necessary for such advance right of way acquisition.
33 Any property or property rights purchased must be in designated highway
34 transportation corridors and be for projects approved by the
35 (~~commission~~) committee as part of the state's six-year plan or
36 included in the state's route development planning effort.

1 **Sec. 33.** RCW 47.12.330 and 1998 c 181 s 2 are each amended to read
2 as follows:

3 For the purpose of environmental mitigation of transportation
4 projects, the department may acquire or develop, or both acquire and
5 develop, environmental mitigation sites in advance of the construction
6 of programmed projects. The term "advanced environmental mitigation"
7 means mitigation of adverse impacts upon the environment from
8 transportation projects before their design and construction. Advanced
9 environmental mitigation consists of the acquisition of property; the
10 acquisition of property, water, or air rights; the development of
11 property for the purposes of improved environmental management;
12 engineering costs necessary for such purchase and development; and the
13 use of advanced environmental mitigation sites to fulfill project
14 environmental permit requirements. Advanced environmental mitigation
15 must be conducted in a manner that is consistent with the definition of
16 mitigation found in the council of environmental quality regulations
17 (40 C.F.R. Sec. 1508.20) and the governor's executive order on wetlands
18 (EO 90-04). Advanced environmental mitigation is for projects approved
19 by the (~~(transportation commission)~~) committee as part of the state's
20 six-year plan or included in the state highway system plan. Advanced
21 environmental mitigation must give consideration to activities related
22 to fish passage, fish habitat, wetlands, and flood management.
23 Advanced environmental mitigation may also be conducted in partnership
24 with federal, state, or local government agencies, tribal governments,
25 interest groups, or private parties. Partnership arrangements may
26 include joint acquisition and development of mitigation sites,
27 purchasing and selling mitigation bank credits among participants, and
28 transfer of mitigation site title from one party to another. Specific
29 conditions of partnership arrangements will be developed in written
30 agreements for each applicable environmental mitigation site.

31 **Sec. 34.** RCW 47.24.010 and 1998 c 245 s 97 are each amended to
32 read as follows:

33 The (~~(transportation commission)~~) committee shall determine what
34 streets, together with bridges thereon and wharves necessary for use
35 for ferriage of motor vehicle traffic in connection with such streets,
36 if any, in any incorporated cities and towns shall form a part of the
37 route of state highways and between the first and fifteenth days of

1 July of any year the department of transportation shall identify by
2 brief description, the streets, together with the bridges thereon and
3 wharves, if any, in such city or town which are designated as forming
4 a part of the route of any state highway; and all such streets,
5 including curbs and gutters and street intersections and such bridges
6 and wharves, shall thereafter be a part of the state highway system and
7 as such shall be constructed and maintained by the department of
8 transportation from any state funds available therefor: PROVIDED, That
9 the responsibility for the construction and maintenance of any such
10 street together with its appurtenances may be returned to a city or a
11 town upon certification by the department of transportation to the
12 clerk of any city or town that such street, or portion thereof, is no
13 longer required as a part of the state highway system: PROVIDED
14 FURTHER, That any such certification that a street, or portion thereof,
15 is no longer required as a part of the state highway system shall be
16 made between the first and fifteenth of July following the
17 determination by the department that such street or portion thereof is
18 no longer required as a part of the state highway system, but this
19 shall not prevent the department and any city or town from entering
20 into an agreement that a city or town will accept responsibility for
21 such a street or portion thereof at some time other than between the
22 first and fifteenth of July of any year.

23 **Sec. 35.** RCW 47.26.170 and 1994 c 179 s 16 are each amended to
24 read as follows:

25 Each county having within its boundaries an urban area and cities
26 and towns shall prepare and submit to the transportation improvement
27 board arterial inventory data required to determine the long-range
28 arterial construction needs. The counties, cities, and towns shall
29 revise the arterial inventory data every four years to show the current
30 arterial construction needs through the advanced planning period, and
31 as revised shall submit them to the transportation improvement board
32 during the first week of January every four years beginning in 1996.
33 The inventory data shall be prepared pursuant to guidelines established
34 by the transportation improvement board. As information is updated, it
35 shall be made available to the (~~commission and the~~) legislative
36 transportation committee.

1 **Sec. 36.** RCW 47.26.440 and 1994 c 179 s 25 are each amended to
2 read as follows:

3 Not later than November 1st of each even-numbered year the
4 transportation improvement board shall prepare and present to the
5 (~~commission~~) committee for comment and recommendation an adopted
6 budget for expenditures from funds administered by the board during the
7 ensuing biennium. The budget shall contain an estimate of the revenues
8 to be credited to the several accounts and the amount, if any, of bond
9 proceeds which the board determines should be made available through
10 the sale of bonds in the ensuing biennium.

11 **Sec. 37.** RCW 47.28.010 and 1977 ex.s. c 151 s 59 are each amended
12 to read as follows:

13 Whenever the general route of any state highway shall be designated
14 and laid out as running to or by way of certain designated points,
15 without specifying the particular route to be followed to or by way of
16 such points, the (~~transportation—commission~~) committee shall
17 determine the particular route to be followed by said state highway to
18 or by way of said designated points, and shall be at liberty to select
19 and adopt as a part of such state highway, the whole or any part of any
20 existing public highway previously designated as a county road, primary
21 road, or secondary road or now or hereafter classified as a county
22 road. The (~~commission~~) committee need not select and adopt the
23 entire routes for such state highways at one time, but may select and
24 adopt parts of such routes from time to time as it deems advisable.
25 Where a state highway is designated as passing by way of a certain
26 point, this shall not require the (~~commission~~) committee to cause
27 such state highway to pass through or touch such point but such
28 designation is directional only and may be complied with by location in
29 the general vicinity. The department of transportation is empowered to
30 construct as a part of any state highway as designated and in addition
31 to any portion meeting the limits of any incorporated city or town a
32 bypass section either through or around any such incorporated city or
33 town.

34 **Sec. 38.** RCW 47.28.170 and 1990 c 265 s 1 are each amended to read
35 as follows:

36 (1) Whenever the department finds that as a consequence of

1 accident, natural disaster, or other emergency, an existing state
2 highway is in jeopardy or is rendered impassible in one or both
3 directions and the department further finds that prompt reconstruction,
4 repair, or other work is needed to preserve or restore the highway for
5 public travel, the department may obtain at least three written bids
6 for the work without publishing a call for bids, and the secretary of
7 transportation may award a contract forthwith to the lowest responsible
8 bidder.

9 The department shall notify any association or organization of
10 contractors filing a request to regularly receive notification.
11 Notification to an association or organization of contractors shall
12 include: (a) The location of the work to be done; (b) the general
13 anticipated nature of the work to be done; and (c) the date determined
14 by the department as reasonable in view of the nature of the work and
15 emergent nature of the problem after which the department will not
16 receive bids.

17 (2) Whenever the department finds it necessary to protect a highway
18 facility from imminent damage or to perform emergency work to reopen a
19 highway facility, the department may contract for such work on a
20 negotiated basis not to exceed force account rates for a period not to
21 exceed thirty working days.

22 (3) The secretary shall review any contract exceeding two hundred
23 thousand dollars awarded under subsection (1) or (2) of this section
24 with the (~~transportation commission~~) committee at its next regularly
25 scheduled meeting.

26 (4) Any person, firm, or corporation awarded a contract for work
27 must be prequalified pursuant to RCW 47.28.070 and may be required to
28 furnish a bid deposit or performance bond.

29 **Sec. 39.** RCW 47.38.060 and 1996 c 172 s 1 are each amended to read
30 as follows:

31 The legislative transportation (~~commission~~) committee may
32 designate interstate safety rest areas, as appropriate, as locations
33 for memorial signs to prisoners of war and those missing in action.
34 The (~~commission~~) committee shall adopt policies for the placement of
35 memorial signs on interstate safety rest areas and may disapprove any
36 memorial sign that it determines to be inappropriate or inconsistent
37 with the policies. The policies shall include, but are not limited to,

1 guidelines for the size and location of and inscriptions on memorial
2 signs. The secretary shall adopt rules for administering this program.
3 Nonprofit associations may have their name identified on a memorial
4 sign if the association bears the cost of supplying and maintaining the
5 memorial sign.

6 **Sec. 40.** RCW 47.56.120 and 1977 ex.s. c 151 s 70 are each amended
7 to read as follows:

8 ((In the event that)) If the legislative transportation
9 ((commission should)) committee determines that any toll bridge should
10 be constructed, all cost thereof including right of way, survey, and
11 engineering shall be paid out of any funds available for payment of the
12 cost of such toll bridge under this chapter.

13 **Sec. 41.** RCW 47.56.250 and 1977 ex.s. c 151 s 71 are each amended
14 to read as follows:

15 Whenever a proposed toll bridge, toll road, toll tunnel, or any
16 other toll facility of any sort is to be constructed, any city, county,
17 or other political subdivision located in relation to such facility so
18 as to benefit directly or indirectly thereby, may, either jointly or
19 separately, at the request of the legislative transportation
20 ((commission)) committee advance or contribute money, or bonds, rights
21 of way, labor, materials, and other property toward the expense of
22 building the toll facility, and for preliminary surveys and the
23 preparation of plans and estimates of cost therefor and other
24 preliminary expenses. Any such city, county, or other political
25 subdivision may, either jointly or separately, at the request of the
26 ((transportation commission)) committee advance or contribute money or
27 bonds for the purpose of guaranteeing the payment of interest or
28 principal on the bonds issued by the ((commission)) committee to
29 finance the toll facility. Appropriations for such purposes may be
30 made from any funds available, including county road funds received
31 from or credited by the state, or funds obtained by excess tax levies
32 made pursuant to law or the issuance of general obligation bonds for
33 this purpose. General obligation bonds issued by a city, county, or
34 political subdivision may with the consent of the ((commission))
35 committee be placed with the department of transportation to be sold by
36 the department to provide funds for such purpose. Money, or bonds, or

1 property so advanced or contributed may be immediately transferred or
2 delivered to the department to be used for the purpose for which
3 contribution was made. The ((~~commission~~)) committee may enter into an
4 agreement with a city, county, or other political subdivision to repay
5 any money, or bonds or the value of a right of way, labor, materials,
6 or other property so advanced or contributed. The ((~~commission~~))
7 department may make such repayment to a city, county, or other
8 political subdivision and reimburse the state for any expenditures made
9 by it in connection with the toll facility out of tolls and other
10 revenues for the use of the toll facility.

11 **Sec. 42.** RCW 47.52.133 and 1987 c 200 s 2 are each amended to read
12 as follows:

13 Except as provided in RCW 47.52.134, the ((~~transportation~~
14 ~~commission~~)) committee and the highway authorities of the counties and
15 incorporated cities and towns, with regard to facilities under their
16 respective jurisdictions, prior to the establishment of any limited
17 access facility, shall hold a public hearing within the county, city,
18 or town wherein the limited access facility is to be established to
19 determine the desirability of the plan proposed by such authority.
20 Notice of such hearing shall be given to the owners of property
21 abutting the section of any existing highway, road, or street being
22 established as a limited access facility, as indicated in the tax rolls
23 of the county, and in the case of a state limited access facility, to
24 the county and/or city or town. Such notice shall be by United States
25 mail in writing, setting forth a time for the hearing, which time shall
26 be not less than fifteen days after mailing of such notice. Notice of
27 such hearing also shall be given by publication not less than fifteen
28 days prior to such hearing in one or more newspapers of general
29 circulation within the county, city, or town. Such notice by
30 publication shall be deemed sufficient as to any owner or reputed owner
31 or any unknown owner or owner who cannot be located. Such notice shall
32 indicate a suitable location where plans for such proposal may be
33 inspected.

34 **Sec. 43.** RCW 47.52.145 and 1981 c 95 s 2 are each amended to read
35 as follows:

36 Whenever after the final adoption of a plan for a limited access

1 highway by the (~~transportation commission~~) committee, an additional
2 design public hearing with respect to the facility or any portion
3 thereof is conducted pursuant to federal law resulting in a revision of
4 the design of the limited access plan, the (~~commission~~) committee may
5 modify the previously adopted limited access plan to conform to the
6 revised design without further public hearings providing the following
7 conditions are met:

8 (1) As compared with the previously adopted limited access plan,
9 the revised plan will not require additional or different right of way
10 with respect to that section of highway for which the design has been
11 revised, in excess of five percent by area; and

12 (2) If the previously adopted limited access plan was modified by
13 a board of review convened at the request of a county, city, or town,
14 the legislative authority of the county, city, or town shall approve
15 any revisions of the plan which conflict with modifications ordered by
16 the board of review.

17 **Sec. 44.** RCW 47.52.210 and 1981 c 95 s 3 are each amended to read
18 as follows:

19 (1) Whenever the (~~transportation commission~~) committee adopts a
20 plan for a limited access highway to be constructed within the
21 corporate limits of a city or town which incorporates existing city or
22 town streets, title to such streets shall remain in the city or town,
23 and the provisions of RCW 47.24.020 as now or hereafter amended shall
24 continue to apply to such streets until such time that the highway is
25 operated as either a partially or fully controlled access highway.
26 Title to and full control over that portion of the city or town street
27 incorporated into the limited access highway shall be vested in the
28 state upon a declaration by the secretary of transportation that such
29 highway is operational as a limited access facility, but in no event
30 prior to the acquisition of right of way for such highway including
31 access rights, and not later than the final completion of construction
32 of such highway.

33 (2) Upon the completion of construction of a state limited access
34 highway within a city or town, the department of transportation may
35 relinquish to the city or town streets constructed or improved as a
36 functional part of the limited access highway, slope easements,
37 landscaping areas, and other related improvements to be maintained and

1 operated by the city or town in accordance with the limited access
2 plan. Title to such property relinquished to a city or town shall be
3 conveyed by a deed executed by the secretary of transportation and duly
4 acknowledged. Relinquishment of such property to the city or town may
5 be expressly conditioned upon the maintenance of access control
6 acquired by the state and the continued operation of such property as
7 a functional part of the limited access highway.

8 **Sec. 45.** RCW 47.56.080 and 1977 ex.s. c 151 s 68 are each amended
9 to read as follows:

10 Whenever in the judgment of the legislative transportation
11 (~~commission~~) committee it is considered in the best interest of the
12 public highways of the state that any new toll bridge or bridges be
13 constructed upon any public highway and across any stream, body of
14 water, gulch, navigable water, swamp, or other topographical formation
15 and operated by the state the (~~commission~~) department shall adopt a
16 resolution declaring that public interest and necessity require the
17 construction of such toll bridge or bridges and authorizing the
18 issuance of revenue bonds for the purpose of obtaining funds in an
19 amount not in excess of that estimated to be required for such
20 construction. The issuance of bonds as provided in this chapter for
21 the construction of more than one toll bridge may at the discretion of
22 the (~~commission~~) department be included in the same authority and
23 issue of bonds.

24 **TRANSFERRING POWERS OF THE TRANSPORTATION COMMISSION TO**
25 **THE DEPARTMENT OF TRANSPORTATION**

26 NEW SECTION. **Sec. 46.** A new section is added to chapter 47.01 RCW
27 to read as follows:

28 The secretary of transportation has the following powers and
29 duties:

30 (1) Propose to the governor and to the legislature before the
31 convening of each regular session during an odd-numbered year a
32 recommended budget for the operation of the department and for carrying
33 out the program of the department for the ensuing biennium. The
34 proposed budget must separately state the appropriations to be made
35 from the motor vehicle fund for highway purposes in accordance with

1 constitutional limitations and appropriations and expenditures to be
2 made from the general fund, or accounts thereof, and other available
3 sources for other operations and programs of the department;

4 (2) Review and authorize all departmental requests for legislation;

5 (3) Approve the issuance and sale of all bonds authorized by the
6 legislature for capital construction of state highways, toll
7 facilities, Columbia Basin county roads (for which reimbursement to the
8 motor vehicle fund has been provided), urban arterial projects, and
9 aviation facilities;

10 (4) Propose to the legislative transportation committee for
11 adoption such rules and policy directives as may be necessary to carry
12 out reasonably and properly those functions expressly vested in the
13 secretary by statute.

14 **Sec. 47.** RCW 47.02.120 and 1990 c 293 s 1 are each amended to read
15 as follows:

16 For the purpose of providing funds for the acquisition of
17 headquarters facilities for district 1 of the department of
18 transportation and costs incidental thereto, together with all
19 improvements and equipment required to make the facilities suitable for
20 the department's use, there shall be issued and sold upon the request
21 of the ((Washington transportation commission)) department a total of
22 fifteen million dollars of general obligation bonds of the state of
23 Washington.

24 **Sec. 48.** RCW 47.02.140 and 1990 c 293 s 3 are each amended to read
25 as follows:

26 Upon the request of the secretary of transportation ((~~commission~~)),
27 the state finance committee shall supervise and provide for the
28 issuance, sale, and retirement of the bonds authorized by RCW 47.02.120
29 through 47.02.190 in accordance with chapter 39.42 RCW. Bonds
30 authorized by RCW 47.02.120 through 47.02.190 shall be sold in such
31 manner, at such time or times, in such amounts, and at such price as
32 the state finance committee shall determine. Except for the purpose of
33 repaying the loan from the motor vehicle fund, no such bonds may be
34 offered for sale without prior legislative appropriation of the net
35 proceeds of the sale of the bonds.

1 The state finance committee shall consider the issuance of short-
2 term obligations in lieu of long-term obligations for the purposes of
3 more favorable interest rates, lower total interest costs, and
4 increased marketability and for the purpose of retiring the bonds
5 during the life of the project for which they were issued.

6 **Sec. 49.** RCW 47.10.843 and 1998 c 321 s 16 are each amended to
7 read as follows:

8 In order to provide funds necessary for the location, design, right
9 of way, and construction of state and local highway improvements, there
10 shall be issued and sold upon the request of the (~~Washington state~~
11 ~~transportation commission~~) department a maximum of one billion nine
12 hundred million dollars of general obligation bonds of the state of
13 Washington.

14 **Sec. 50.** RCW 47.10.844 and 1998 c 321 s 17 are each amended to
15 read as follows:

16 Upon the request of the (~~transportation commission~~) department,
17 the state finance committee shall supervise and provide for the
18 issuance, sale, and retirement of the bonds authorized by RCW 47.10.843
19 through 47.10.848 in accordance with chapter 39.42 RCW. Bonds
20 authorized by RCW 47.10.843 through 47.10.848 shall be sold in such
21 manner, at such time or times, in such amounts, and at such price as
22 the state finance committee shall determine. No such bonds may be
23 offered for sale without prior legislative appropriation of the net
24 proceeds of the sale of the bonds.

25 The state finance committee shall consider the issuance of short-
26 term obligations in lieu of long-term obligations for the purposes of
27 more favorable interest rates, lower total interest costs, and
28 increased marketability and for the purpose of retiring the bonds
29 during the life of the project for which they were issued.

30 **Sec. 51.** RCW 47.12.200 and 1977 ex.s. c 151 s 55 are each amended
31 to read as follows:

32 The (~~transportation commission~~) department may enter into
33 agreements with the state finance committee for financing the
34 acquisition, by purchase or condemnation, of real property together
35 with engineering costs that the (~~transportation commission~~)

1 department deems will be necessary for the improvement of the state
2 highway system. Such agreements may provide for the acquisition of an
3 individual parcel or for the acquisition of any number of parcels
4 within the limits of a contemplated highway project.

5 **Sec. 52.** RCW 47.12.220 and 1977 ex.s. c 151 s 56 are each amended
6 to read as follows:

7 Each such agreement shall include, but shall not be limited to the
8 following:

9 (1) A provision stating the term of the agreement which shall not
10 extend more than seven years from the effective date of the agreement;

11 (2) A designation of the specific fund or funds to be used to carry
12 out such agreement;

13 (3) A provision that the department of transportation may redeem
14 warrants purchased by the state finance committee at any time prior to
15 the letting of a highway improvement contract utilizing the property;
16 and further, during the effective period of each such agreement the
17 department of transportation shall redeem such warrants whenever such
18 a highway improvement contract is let, or upon the expiration of such
19 agreement, whichever date is earlier;

20 (4) A provision stating the rate of interest such warrants shall
21 bear commencing at the time of purchase by the state finance committee;

22 (5) Any additional provisions agreed upon by the (~~transportation~~
23 ~~commission~~) department and the state finance committee which are
24 necessary to carry out the purposes of such agreement as indicated by
25 RCW 47.12.180 through 47.12.240(~~(, as now or hereafter amended)~~)).

26 **Sec. 53.** RCW 47.17.132 and 1997 c 308 s 1 are each amended to read
27 as follows:

28 A state highway to be known as state route number 35 is established
29 as follows:

30 Beginning at the Washington-Oregon boundary line thence northerly
31 to a junction with state route number 14 in the vicinity of White
32 Salmon; however, until such time as a bridge across the Columbia River
33 is constructed at a location adopted by the (~~transportation~~
34 ~~commission~~) department no existing route may be maintained or improved
35 by the (~~transportation commission~~) department as a temporary route
36 for state route number 35.

1 **Sec. 54.** RCW 47.46.090 and 2002 c 114 s 6 are each amended to read
2 as follows:

3 (1) A citizen advisory committee must be created for any project
4 developed under this chapter that imposes toll charges for use of a
5 transportation facility. The governor shall appoint nine members to
6 the committee, all of whom must be permanent residents of the affected
7 project area, as that term is used in RCW 47.46.030.

8 (2) The citizen advisory committee shall serve in an advisory
9 capacity to the (~~commission~~) department on all matters related to the
10 imposition of tolls. Members of the committee shall serve without
11 compensation.

12 (3) No toll charge may be imposed or modified unless the citizen
13 advisory committee has been given at least twenty days to review and
14 comment on any proposed toll charge schedule. In setting toll rates,
15 the (~~commission~~) department shall give consideration to any
16 recommendations of the citizen advisory committee.

17 **Sec. 55.** RCW 47.46.120 and 2002 c 114 s 9 are each amended to read
18 as follows:

19 Pursuant to RCW 43.135.055, the legislature authorizes the
20 department of transportation (~~commission~~) to increase bridge tolls in
21 excess of the fiscal growth factor.

22 **Sec. 56.** RCW 47.56.032 and 1984 c 7 s 247 are each amended to read
23 as follows:

24 All powers vested in the toll bridge authority as of September 21,
25 1977, relating to the acquiring, operating, extending, designing,
26 constructing, repairing, and maintenance of the Washington state
27 ferries or any part thereof and the collecting of tolls and charges for
28 use of its facilities, shall be performed by the department. The
29 (~~commission~~) department shall determine all fares, tolls, and other
30 charges for its facilities and shall directly perform all duties and
31 exercise all powers relating to financing, refinancing, and fiscal
32 management of the system's bonded indebtedness in the manner provided
33 by law.

34 **Sec. 57.** RCW 47.56.030 and 2002 c 114 s 19 are each amended to
35 read as follows:

1 (1) Except as permitted under chapter 47.46 RCW:

2 (a) The department of transportation shall have full charge of the
3 construction of all toll bridges and other toll facilities including
4 the Washington state ferries, and the operation and maintenance
5 thereof.

6 (b) The (~~transportation commission~~) department shall determine
7 and establish the tolls and charges thereon, and shall perform all
8 duties and exercise all powers relating to the financing, refinancing,
9 and fiscal management of all toll bridges and other toll facilities
10 including the Washington state ferries, and bonded indebtedness in the
11 manner provided by law.

12 (c) The department shall have full charge of design of all toll
13 facilities.

14 (d) Except as provided in this section, the department shall
15 proceed with the construction of such toll bridges and other facilities
16 and the approaches thereto by contract in the manner of state highway
17 construction immediately upon there being made available funds for such
18 work and shall prosecute such work to completion as rapidly as
19 practicable. The department is authorized to negotiate contracts for
20 any amount without bid under (d)(i) and (ii) of this subsection:

21 (i) Emergency contracts, in order to make repairs to ferries or
22 ferry terminal facilities or removal of such facilities whenever
23 continued use of ferries or ferry terminal facilities constitutes a
24 real or immediate danger to the traveling public or precludes prudent
25 use of such ferries or facilities; and

26 (ii) Single source contracts for vessel dry dockings, when there is
27 clearly and legitimately only one available bidder to conduct dry dock-
28 related work for a specific class or classes of vessels. The contracts
29 may be entered into for a single vessel dry docking or for multiple
30 vessel dry dockings for a period not to exceed two years.

31 (2) The department shall proceed with the procurement of materials,
32 supplies, services, and equipment needed for the support, maintenance,
33 and use of a ferry, ferry terminal, or other facility operated by
34 Washington state ferries, in accordance with chapter 43.19 RCW except
35 as follows:

36 (a) Except as provided in (d) of this subsection, when the
37 secretary of the department of transportation determines in writing
38 that the use of invitation for bid is either not practicable or not

1 advantageous to the state and it may be necessary to make competitive
2 evaluations, including technical or performance evaluations among
3 acceptable proposals to complete the contract award, a contract may be
4 entered into by use of a competitive sealed proposals method, and a
5 formal request for proposals solicitation. Such formal request for
6 proposals solicitation shall include a functional description of the
7 needs and requirements of the state and the significant factors.

8 (b) When purchases are made through a formal request for proposals
9 solicitation the contract shall be awarded to the responsible proposer
10 whose competitive sealed proposal is determined in writing to be the
11 most advantageous to the state taking into consideration price and
12 other evaluation factors set forth in the request for proposals. No
13 significant factors may be used in evaluating a proposal that are not
14 specified in the request for proposals. Factors that may be considered
15 in evaluating proposals include but are not limited to: Price;
16 maintainability; reliability; commonality; performance levels; life
17 cycle cost if applicable under this section; cost of transportation or
18 delivery; delivery schedule offered; installation cost; cost of spare
19 parts; availability of parts and service offered; and the following:

20 (i) The ability, capacity, and skill of the proposer to perform the
21 contract or provide the service required;

22 (ii) The character, integrity, reputation, judgment, experience,
23 and efficiency of the proposer;

24 (iii) Whether the proposer can perform the contract within the time
25 specified;

26 (iv) The quality of performance of previous contracts or services;

27 (v) The previous and existing compliance by the proposer with laws
28 relating to the contract or services;

29 (vi) Objective, measurable criteria defined in the request for
30 proposal. These criteria may include but are not limited to items such
31 as discounts, delivery costs, maintenance services costs, installation
32 costs, and transportation costs; and

33 (vii) Such other information as may be secured having a bearing on
34 the decision to award the contract.

35 (c) When purchases are made through a request for proposal process,
36 proposals received shall be evaluated based on the evaluation factors
37 set forth in the request for proposal. When issuing a request for
38 proposal for the procurement of propulsion equipment or systems that

1 include an engine, the request for proposal must specify the use of a
2 life cycle cost analysis that includes an evaluation of fuel
3 efficiency. When a life cycle cost analysis is used, the life cycle
4 cost of a proposal shall be given at least the same relative importance
5 as the initial price element specified in the request of proposal
6 documents. The department may reject any and all proposals received.
7 If the proposals are not rejected, the award shall be made to the
8 proposer whose proposal is most advantageous to the department,
9 considering price and the other evaluation factors set forth in the
10 request for proposal.

11 (d) If the department is procuring large equipment or systems
12 (e.g., electrical, propulsion) needed for the support, maintenance, and
13 use of a ferry operated by Washington state ferries, the department
14 shall proceed with a formal request for proposal solicitation under
15 this subsection (2) without a determination of necessity by the
16 secretary.

17 **Sec. 58.** RCW 47.56.076 and 2002 c 56 s 403 are each amended to
18 read as follows:

19 Upon approval of a majority of the voters within its boundaries
20 voting on the ballot proposition, and only for the purposes authorized
21 in RCW 36.120.050(1)(f), a regional transportation investment district
22 may impose vehicle tolls on state routes where improvements financed in
23 whole or in part by a regional transportation investment district add
24 additional lanes to, or reconstruct lanes on, a highway of statewide
25 significance. The department shall administer the collection of
26 vehicle tolls on designated facilities unless otherwise specified in
27 law, and (~~the state transportation commission, or its successor,~~)
28 shall be the tolling authority.

29 **Sec. 59.** RCW 47.56.110 and 1984 c 7 s 255 are each amended to read
30 as follows:

31 Before the department proceeds with any action to secure a right of
32 way or with construction of any toll bridge under the provisions of
33 this chapter, the (~~commission~~) department shall first pass a
34 resolution that public interest and necessity require the acquisition
35 of right of way for and the construction of the toll bridge. The
36 resolution is conclusive evidence (1) of the public necessity of such

1 construction; (2) that the property is necessary therefor; and (3) that
2 the proposed construction is planned or located in a manner which will
3 be most compatible with the greatest public good and the least private
4 injury. When it becomes necessary for the department to condemn any
5 real estate to be used in connection with any such bridge, the attorney
6 general of the state shall represent the department. In eminent domain
7 proceedings to acquire property for any of the purposes of this
8 chapter, any toll bridge, real property, personal property, franchises,
9 rights, easements, or other property or privileges appurtenant thereto
10 appropriated or dedicated to a public use or purpose by any person,
11 firm, private, public, or municipal corporation, county, city, town,
12 district, or any political subdivision of the state, may be condemned
13 and taken, and the acquisition and use as provided in this chapter for
14 the same public use or purpose to which the property has been so
15 appropriated or dedicated, or for any other public use or purpose, is
16 a superior and permanent right and necessity, and a more necessary use
17 and purpose than the public use or purpose to which the property has
18 already been appropriated or dedicated. It is not necessary in any
19 eminent domain proceedings under this chapter to plead or prove any
20 acts or proceedings preliminary or prior to the adoption of the
21 resolution hereinbefore referred to describing the property sought to
22 be taken and directing such proceedings.

23 **Sec. 60.** RCW 47.60.013 and 1981 c 341 s 1 are each amended to read
24 as follows:

25 The governor is authorized to take such actions as may be necessary
26 to insure the continued operation of the Puget Sound ferry and toll
27 bridge system under any emergency circumstances which threaten the
28 continued operation of the system. In the event of such an emergency,
29 the governor may assume all the powers granted by law to the
30 (~~transportation commission and~~) department of transportation with
31 respect to the ferry system. In addition, notwithstanding the
32 provisions of chapters 47.60 and 47.64 RCW, the governor may contract
33 with any qualified persons for the operation of the Washington state
34 ferry system, or any part thereof, or for ferry service to be provided
35 by privately owned vessels. Administrative costs to the office of the
36 governor incurred in the exercise of this authority shall be reimbursed
37 by the department.

1 **Sec. 61.** RCW 47.60.150 and 1999 c 94 s 26 are each amended to read
2 as follows:

3 Subject to the provisions of RCW 47.60.326, the schedule of charges
4 for the services and facilities of the system shall be fixed and
5 revised from time to time by the (~~commission~~) department so that the
6 tolls and other revenues deposited in the Puget Sound ferry operations
7 account for maintenance and operation, and all moneys in the Puget
8 Sound capital construction account available for debt service will
9 yield annual revenue and income sufficient, after allowance for all
10 operating, maintenance, and repair expenses to pay the interest and
11 principal and sinking fund charges for all outstanding revenue bonds,
12 and to create and maintain a fund for ordinary renewals and
13 replacements: PROVIDED, That if provision is made by any resolution
14 for the issuance of revenue bonds for the creation and maintenance of
15 a special fund for rehabilitating, rebuilding, enlarging, or improving
16 all or any part of the ferry system then such schedule of tolls and
17 rates of charges shall be fixed and revised so that the revenue and
18 income will also be sufficient to comply with such provision.

19 All income and revenues as collected shall be paid to the state
20 treasurer for the account of the department and deposited into the
21 Puget Sound ferry operations account. Nothing in this section requires
22 tolls on the Hood Canal bridge except as may be required by any bond
23 covenants.

24 **Sec. 62.** RCW 47.60.326 and 2001 1st sp.s. c 1 s 1 are each amended
25 to read as follows:

26 (1) In order to maintain an adequate, fair, and economically sound
27 schedule of charges for the transportation of passengers, vehicles, and
28 commodities on the Washington state ferries, the department of
29 transportation each year shall conduct a full review of such charges.

30 (2) Prior to February 1st of each odd-numbered year the department
31 shall (~~transmit to the transportation commission~~) make public a
32 report of its review together with its recommendations for the revision
33 of a schedule of charges for the ensuing biennium. The (~~commission~~)
34 department on or before July 1st of that year shall adopt as a rule, in
35 the manner provided by the Washington Administrative Procedure Act, a
36 schedule of charges for the Washington state ferries for the ensuing

1 biennium commencing July 1st. The schedule may initially be adopted as
2 an emergency rule if necessary to take effect on, or as near as
3 possible to, July 1st.

4 (3) The department in making its review (~~((and))~~), formulating
5 recommendations, and (~~((the commission in))~~) adopting a schedule of
6 charges may consider any of the following factors:

7 (a) The amount of subsidy available to the ferry system for
8 maintenance and operation;

9 (b) The time and distance of ferry runs;

10 (c) The maintenance and operation costs for ferry runs with a
11 proper adjustment for higher costs of operating outmoded or less
12 efficient equipment;

13 (d) The efficient distribution of traffic between cross-sound
14 routes;

15 (e) The desirability of reasonable commutation rates for persons
16 using the ferry system to commute daily to work;

17 (f) The effect of proposed fares in increasing walk-on and
18 vehicular passenger use;

19 (g) The effect of proposed fares in promoting all types of ferry
20 use during nonpeak periods;

21 (h) Such other factors as prudent managers of a major ferry system
22 would consider.

23 (4) If at any time during the biennium it appears that projected
24 revenues from the Puget Sound ferry operations account and any other
25 operating subsidy available to the Washington state ferries will be
26 less than the projected total cost of maintenance and operation of the
27 Washington state ferries for the biennium, the department shall
28 forthwith undertake a review of its schedule of charges to ascertain
29 whether or not the schedule of charges should be revised. The
30 department shall, upon completion of its review report, (~~((submit))~~) make
31 public its recommendation (~~((to the transportation commission which))~~),
32 and may in its sound discretion revise the schedule of charges as
33 required to meet necessary maintenance and operation expenditures of
34 the ferry system for the biennium or may defer action until the regular
35 annual review and revision of ferry charges as provided in subsection
36 (2) of this section.

37 (5) The provisions of RCW 47.60.330 relating to public

1 participation shall apply to the process of revising ferry tolls under
2 this section.

3 (6) Under RCW 43.135.055, the (~~transportation commission~~)
4 department may increase ferry tolls included in the schedule of charges
5 adopted under this section by a percentage that exceeds the fiscal
6 growth factor.

7 **Sec. 63.** RCW 47.60.330 and 1983 c 15 s 26 are each amended to read
8 as follows:

9 (1) Before a substantial expansion or curtailment in the level of
10 service provided to ferry users, or a revision in the schedule of ferry
11 tolls or charges, the department of transportation shall consult with
12 affected ferry users. The consultation shall be: (a) By public
13 hearing in affected local communities; (b) by review with the affected
14 ferry advisory committees pursuant to RCW 47.60.310; (c) by conducting
15 a survey of affected ferry users; or (d) by any combination of (a)
16 through (c).

17 (2) There is created a ferry system productivity council consisting
18 of a representative of each ferry advisory committee empanelled under
19 RCW 47.60.310, elected by the members thereof, and two representatives
20 of employees of the ferry system appointed by mutual agreement of all
21 of the unions representing ferry employees, which shall meet from time
22 to time with ferry system management to discuss means of improving
23 ferry system productivity.

24 (3) Before increasing ferry tolls the department of transportation
25 shall consider all possible cost reductions with full public
26 participation as provided in subsection (1) of this section and,
27 consistent with public policy, shall consider adapting service levels
28 equitably on a route-by-route basis to reflect trends in and forecasts
29 of traffic usage. Forecasts of traffic levels shall be developed by
30 the bond covenant traffic engineering firm appointed under the
31 provisions of RCW 47.60.450. Provisions of this section shall not
32 alter obligations under RCW 47.60.450. Before including any toll
33 increase in a budget proposal (~~by the commission~~), the department of
34 transportation shall consult with affected ferry users in the manner
35 prescribed in (1)(b) of this section plus the procedure of either
36 (1)(a) or (c) of this section.

1 **Sec. 64.** RCW 47.60.445 and 1990 c 42 s 409 are each amended to
2 read as follows:

3 Notwithstanding the provisions of RCW 47.56.240 and 47.56.245 the
4 (~~transportation commission~~) department shall not collect tolls on the
5 Hood Canal bridge for any purpose except where necessary to comply with
6 bond covenants.

7 The cost of maintenance, upkeep, and repair may be paid from funds
8 appropriated for the construction and maintenance of the primary state
9 highways of the state of Washington.

10 **Sec. 65.** RCW 47.60.800 and 1992 c 158 s 1 are each amended to read
11 as follows:

12 In order to provide funds necessary for vessel and terminal
13 acquisition, construction, and major and minor improvements, including
14 long lead time materials acquisition for the Washington state ferries,
15 there shall be issued and sold upon the request of the (~~Washington~~
16 ~~state~~) department of transportation (~~commission~~) and legislative
17 appropriation a total of two hundred ten million dollars of general
18 obligation bonds of the state of Washington.

19 **Sec. 66.** RCW 36.120.050 and 2002 c 56 s 105 are each amended to
20 read as follows:

21 (1) A regional transportation investment district planning
22 committee may, as part of a regional transportation investment plan,
23 recommend the imposition of some or all of the following revenue
24 sources, which a regional transportation investment district may impose
25 upon approval of the voters as provided in this chapter:

26 (a) A regional sales and use tax, as specified in RCW 82.14.430, of
27 up to 0.5 percent of the selling price, in the case of a sales tax, or
28 value of the article used, in the case of a use tax, upon the
29 occurrence of any taxable event in the regional transportation
30 investment district;

31 (b) A local option vehicle license fee, as specified under RCW
32 82.80.100, of up to one hundred dollars per vehicle registered in the
33 district. As used in this subsection, "vehicle" means motor vehicle as
34 defined in RCW 46.04.320. Certain classes of vehicles, as defined
35 under chapter 46.04 RCW, may be exempted from this fee;

36 (c) A parking tax under RCW 82.80.030;

1 (d) A local motor vehicle excise tax under RCW 81.100.060 and
2 chapter 81.104 RCW;

3 (e) An employer excise tax under RCW 81.100.030; and

4 (f) Vehicle tolls on new or reconstructed facilities. Unless
5 otherwise specified by law, the department shall administer the
6 collection of vehicle tolls on designated facilities, and the ((state))
7 department of transportation ((~~commission~~)), or its successor, shall be
8 the tolling authority.

9 (2) Taxes, fees, and tolls may not be imposed without an
10 affirmative vote of the majority of the voters within the boundaries of
11 the district voting on a ballot proposition as set forth in RCW
12 36.120.070. Revenues from these taxes and fees may be used only to
13 implement the plan as set forth in this chapter. A district may
14 contract with the state department of revenue or other appropriate
15 entities for administration and collection of any of the taxes or fees
16 authorized in this section.

17 (3) Existing statewide motor vehicle fuel and special fuel taxes,
18 at the distribution rates in effect on January 1, 2001, are not
19 intended to be altered by this chapter.

20 NEW SECTION. **Sec. 67.** The following acts or parts of acts are
21 each repealed:

22 (1) RCW 47.01.051 (Commission created--Appointment of members--
23 Terms--Qualifications--Removal) and 1977 ex.s. c 151 s 5; and

24 (2) RCW 47.01.061 (Commission--Procedures and internal operations)
25 and 1987 c 364 s 2, 1984 c 287 s 94, 1983 1st ex.s. c 53 s 29, 1981 c
26 59 s 1, & 1977 ex.s. c 151 s 6.

27 NEW SECTION. **Sec. 68.** Part headings used in this act are not part
28 of the law.

29 NEW SECTION. **Sec. 69.** This act takes effect January 1, 2004.

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